

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

In re:)
)
UNITED STATES OF)
AMERICA,)
)
Plaintiff,)
)
vs.) Case No. 2:18-CR-365
)
LEV ASLAN DERMEN,)
a/k/a Levon)
Termendzhyan,)
)
Defendant.)
)
-----)

BEFORE THE HONORABLE JILL N. PARRISH

February 11, 2020

Jury Trial

Trial Testimony of Jacob Kingston

~~ROUGH DRAFT~~

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Salt Lake City, Utah

February 11, 2020

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THE COURT: Good morning.

MR. GERAGOS: Good morning, Your Honor.

THE COURT: Back on the record in the *United States of America versus Lev Aslan Dermen*, 2:18-CR-365. You may enter appearances.

MS. GOEMAAT: Good morning, Your Honor. On behalf of the United States, Leslie Goemaat, Arthur Ewencyk, Richard Rolwing and John Sullivan.

MR. GERAGOS: Mark Geragos, G-E-R-A-G-O-S, with Linda Moreno, Arthur Karagezian, Setara Qassim and my client, who is seated in the back row today.

THE COURT: Thank you. I'm thinking it may make sense to have argument on the cross-examination question at the end of the day today when we break at 4:45. Will that work for counsel?

MR. GERAGOS: If you want, I just spoke to Mr. Rolwing, that if he doesn't finish today, he expects to finish tomorrow morning. If that's the case, I'm okay with doing it once he has completed the direct because I think that that gives some import to the argument.

THE COURT: Well, I think I would -- I would hate to have to break and do that while we have the

1 jury sitting here. So, I think he will be close to
2 finishing the direct tonight, so I've read what
3 you've filed and I would just like to have a chance
4 to have a discussion about it after the jury leaves
5 this afternoon.

6 MR. GERAGOS: Always happy to discuss.

7 THE COURT: Okay. Is there anything else
8 that we need to address? I did see that the
9 government filed a couple of items, a notice of
10 typographical error, and then a brief regarding the
11 rule of completeness. I was not aware that we have
12 had any rule of completeness issues that have arisen
13 at this juncture in any event.

14 MS. GOEMAAT: Thank you, Your Honor. The
15 typographical error was one word in a citation from
16 the government's motion in the memoranda and I
17 genuinely apologize for that typo.

18 And, secondly, the brief on the rule of
19 completeness was anticipating whether or not there
20 are going to be issues on cross-examination of this
21 witness or others based on selections of text
22 messages. So we were hoping just to discuss if there
23 are rule of completeness issues which we thought had
24 been telegraphed at the original exhibit hearing on
25 January 13th, we are hoping to flesh out any rule of

1 completeness question at the end of the day today
2 before cross starts.

3 THE COURT: Well, I guess we can talk about
4 it. I'm not sure that I am aware of any. I know
-01:-36:-05 5 there was the one question with respect to how much
6 of the deposition was going to be played, the
7 deposition from the civil case. Did you all resolve
8 that?

9 MS. GOEMAAT: Not as of yet. And we have had
-01:-35:-54 10 some e-mails between the parties regarding redactions
11 in text messages and why the text messages were
12 redacted. From our perspective, just to preview the
13 brief we filed, it is because we went through the
14 James process to determine which of these text
-01:-35:-38 15 messages are in furtherance of the conspiracy. And
16 the various redactions, or at times just selections
17 of pages, just kind of a different way to redact, are
18 in order to only be presenting to the jury those
19 communications that we cleared through the James
-01:-35:-22 20 process.

21 So since we have heard some concerns about
22 redactions from defense counsel, we thought it would
23 be best to discuss it with the Court and largely
24 because we can't just unredact, it would take some
-01:-35:-10 25 time to queue up an exhibit and under the case law

1 there are four --

2 THE COURT: I have read the brief so you

3 don't need to repeat that here. I guess the question

4 is -- I mean I suppose we can discuss it and see if

-01:-34:-55

5 there really is an issue there. I don't know that if

6 it is just theoretical that there is a lot to argue

7 about.

8 MS. GOEMAAT: I think that's right,

9 Your Honor, and I think it's just a question for

-01:-34:-46

10 defense counsel whether or not they will be raising

11 the issues of redactions or of the redacted text

12 messages before cross. So we would like to discuss

13 it beforehand.

14 THE COURT: Okay.

-01:-34:-35

15 MS. GOEMAAT: Thank you.

16 THE COURT: All right. Is there anything

17 else we need to address?

18 MR. GERAGOS: Not from the defense,

19 Your Honor.

-01:-34:-30

20 MS. GOEMAAT: Not from the government,

21 Your Honor.

22 THE COURT: All right. Well let's get the

23 jury.

24 MS. MORENO: Your Honor, may we go off the

-01:-33:-35

25 record briefly?

1 THE COURT: Yes.

2 (Off record discussion was held.)

3 (Jury returned to the courtroom.)

4 THE COURT: Good morning, jury. Welcome

-01:-30:-57 5 back. I think we're ready to continue with the
6 examination of Mr. Kingston. And I'll remind you
7 that again, even though we broke for the night,
8 you're still under oath.

9 You may proceed, Mr. Rolwing.

-01:-30:-45 10 MR. ROLWING: Thank you, Your Honor.

11 **CONTINUED DIRECT EXAMINATION**

12 BY MR. ROLWING:

13 Q. Good morning, Mr. Kingston.

14 A. Good morning.

-01:-30:-32 15 Q. Yesterday you testified that you were informed of
16 the existence of a criminal investigation in 2014
17 when the EPA -- you were negotiating with the EPA
18 about your NOV. Do you remember that?

19 A. Yes.

-01:-30:-19 20 Q. What's the EPA?

21 A. Environmental Protection Agency.

22 Q. What is NOV?

23 A. Notice of Violation.

24 Q. And what was the Notice of Violation you were
-01:-30:-08 25 negotiating with the EPA when you learned of a

1 criminal investigation?

2 A. The NOV that we received when we were doing
3 business with Biofuels of Colorado.

4 Q. Way back in 2010?

-01:-29:-57

5 A. Yes.

6 Q. It was still ongoing in 2014?

7 A. Yes.

8 Q. You also mentioned yesterday that you placed
9 grand jury subpoenas and IDRs in a package for the

-01:-29:-43

10 defendant. What is an IDR?

11 A. Information Document Request.

12 Q. What is that?

13 A. It is issued by the IRS.

14 Q. And during what kind of proceeding?

-01:-29:-32

15 A. It's during an audit.

16 Q. And did you receive IDRs from the IRS during your
17 audit?

18 A. Yes, we received multiple IDRs.

19 Q. You talked about an audit of the 2011 claims that
20 began in 2012 and that was resolved in what year?

-01:-29:-16

21 A. '15, I believe.

22 Q. Were your 2013 claims ever audited?

23 A. Yes, they were.

24 Q. When was that ongoing?

-01:-29:-01

25 A. I believe that started in '14 or '15.

1 Q. You also mentioned that the defendant had told
2 you about his prior arrest and acquittal from the
3 1990s that was somehow related to his umbrella. Do
4 you remember that?

-01:-28:-39

5 A. Yes.

6 Q. Did he ever tell you how he acquired this
7 umbrella?

8 A. No, he didn't.

-01:-28:-30

9 Q. Did he ever tell you what relationship he had
10 with the umbrella?

11 A. No, he didn't.

12 Q. Did you ever see him with the umbrella?

-01:-28:-14

13 A. I knew of -- some of the agents that we had
14 dinner with, I understood them to be part of that,
15 yes.

16 Q. So you did see him talk to people you believe
17 were part of the umbrella?

18 A. Yes.

19 Q. Who were some of those people?

-01:-28:-05

20 A. Felix Cisneros.

21 Q. Who was he?

22 A. He was a homeland security agent.

23 Q. Did the defendant ever mention to you anything
24 Felix Cisneros had ever done for him?

-01:-27:-52

25 A. Yes.

1 Q. What?

2 A. He assisted in Santiago's reentry into the
3 country.

4 A. Santiago Garcia?

-01:-27:-42

5 Q. Yes.

6 A. He assisted in his reentry to the country.

7 Q. What did the defendant tell you about that?

8 A. That he assisted Garcia reentering into the U.S.
9 because Garcia was a foreign national. He was a

-01:-27:-31

10 Mexican national.

11 Q. Did you ever witness the defendant have financial
12 transactions with anybody you believed to be part of
13 the umbrella?

14 A. Yes.

-01:-27:-13

15 Q. Who?

16 A. Felix Cisneros.

17 Q. Anyone else?

18 A. Yes. Sheriff Bacca.

19 Q. Who is Sheriff Bacca?

-01:-27:-01

20 A. LA County Sheriff Bacca.

21 Q. I'm sorry, I didn't catch that.

22 A. LA county sheriff.

23 Q. What did you witness?

24 A. I attended a fund raising dinner with Levon and I
-01:-26:-46 25 saw Levon give him cash.

1 Q. Did you ever participate in any of these
2 payments?

3 A. No.

4 Q. Did you ever have any more contact with John
-01:-26:-27 5 Saldivar from Belize?

6 A. Yes.

7 Q. When?

8 A. At the end of 2014.

9 Q. What do you recall?

-01:-26:-16 10 A. April 2015 and early 2015.

11 Q. What do you recall?

12 A. I remember meeting with -- with John and Levon in
13 '14 and Zubair Kazi. We discussed some of his -- his
14 campaign. He -- he told us that he had three or four
-01:-25:-47 15 individuals as part of his party, and their intent to
16 be reelected and the conversation led to cash or to
17 money that was needed for reelection campaign and
18 Zubair Kazi and Levon offered that they would pay for
19 his campaign.

-01:-25:-21 20 Q. Did Mr. Zaldivar ever contact you for cash?

21 A. Yes, he did.

22 Q. Can we look at Government Exhibit 6-60. Do you
23 recognize, just for the witness right now, it is
24 provisionally admitted, Your Honor.

-01:-24:-55 25 THE COURT: All right.

1 Q. (By Mr. Rolwing) Do you recognize these text
2 messages?

3 A. Yes, I do.

4 Q. Who were they with?

-01:-24:-45 5 A. Between John Saldivar and myself.

6 Q. And were these taken from your phone that was
7 imaged by the government in 2015?

8 A. Yes.

9 Q. And when is he contacting you?

-01:-24:-28 10 A. He is contacting me November 2nd, 2014.

11 Q. Is it November or is it February?

12 A. Sorry it is February 11th of 2014.

13 Q. It is exactly six years ago today?

14 A. Yes.

-01:-24:-05 15 Q. Did you know who it was when he sent you the
16 text, "hey Jacob"?

17 A. No.

18 Q. Did you ask who it was? Can we go back to the
19 page, Ms. Bonney? Did he identify himself?

-01:-23:-48 20 A. Yes.

21 Q. And what did he say -- how did he say he was
22 doing?

23 A. He said he was nervous.

24 Q. Why did he say he was nervous? Can you go to the
-01:-23:-34 25 next page?

1 A. He had some commitments and he hasn't heard
2 anything from Levon.

3 Q. Where were you in January of '14, do you
4 remember?

-01:-23:-16 5 A. I don't remember. If I could look at my travel
6 history I could be reminded.

7 Q. Rather than bring it up on the screen I'll hand
8 you what has been marked 6-100.3.

9 A. What was the question?

-01:-22:-47 10 Q. Where were you in January and early February
11 of 2014?

12 A. I had returned home from Turkey on February 5th.

13 Q. What did you tell Mr. Saldivar?

14 A. I said we just got back from Turkey last weekend.

-01:-22:-24 15 Q. And what did Mr. Saldivar want in these text
16 messages that he has been sending to you?

17 A. He needed his money that was promised him.

18 Q. Go back to the page. And did you offer to give
19 him money?

-01:-22:-07 20 A. Yes.

21 Q. By what method?

22 A. Wire transfer.

23 Q. Did he accept that offer?

24 A. No.

-01:-21:-58 25 Q. Do you know why?

1 A. He says it wasn't a good idea.

2 Q. What next?

3 A. I -- I asked him how? He replied he could be in
4 Miami tomorrow. And so I told him I could arrange to
-01:-21:-35 5 have the money picked up from an associate of mine.

6 Q. Who was that associate?

7 A. Deryl, Deryl Leon.

8 Q. And did you send money with Deryl Leon?

9 A. Yes, I did.

-01:-21:-23 10 Q. Did you connect Mr. Leon and Mr. Saldivar?

11 A. Yes, I did.

12 Q. Let's go back to this page. Next page,

13 Ms. Bonney. Thank you.

14 After he asked you to confirm, did you
-01:-21:-01 15 confirm that you would do this?

16 A. Yes.

17 Q. And then what did you say?

18 A. I will talk to Levon.

19 Q. Did you talk to Levon?

-01:-20:-52 20 A. Yes, I did.

21 Q. Did Mr. Saldivar get your associate Deryl's
22 information?

23 A. Yes.

24 Q. What effect did these effects from Mr. Saldivar
-01:-20:-34 25 have on your belief that the defendant had an

1 umbrella?

2 A. It strengthened it. It reinforced it.

3 Q. How did you plan with Deryl to pay Mr. Saldivar
4 the money he was asking for?

-01:-20:-07 5 A. I sent money with him a couple --

6 Q. What kind of money?

7 A. Cash.

8 Q. Where was the cash from?

9 A. From -- I believe it was from Levon.

-01:-19:-57 10 Q. How much money do you remember?

11 A. \$50,000.00.

12 Q. In fact, if we go back, did he specify how much
13 -- go back to Page 2.

14 Actually, he talks about a February tranche.

-01:-19:-35 15 Do you know what that meant?

16 A. Yes.

17 Q. What?

18 A. We were -- the arrangement was that they would
19 receive money every month for their campaign.

-01:-19:-24 20 Q. Next paragraph or next sentence -- I mean, sorry,
21 next page.

22 Did Mr. Saldivar ever tell you how much the
23 tranche was?

24 A. Yes.

-01:-19:-13 25 Q. What did he say?

1 A. He said 25,000 per month.

2 Q. So in 2014 was the notice of violation -- you can
3 take this down, Ms. Bonney. Thank you. Was the
4 notice of violation still in negotiation?

-01:-18:-44

5 A. Yes.

6 Q. Were you receiving grand jury subpoenas for
7 criminal investigation?

8 A. Yes.

-01:-18:-34

9 Q. And did any of that involve federal prosecutors
10 here in Utah?

11 A. Yes.

12 Q. Were your uncle or those people in that text
13 regarding Cy Castle, the federal prosecutor here in
14 Utah, ever charged?

-01:-18:-20

15 A. No.

16 Q. Did you ever discuss that case with the defendant
17 again?

18 A. Yes.

-01:-18:-09

19 Q. Did you believe that they were under his umbrella
20 of protection?

21 A. Yes.

22 Q. Was this protection for free?

23 A. No.

24 Q. What was the discussion with the defendant?

-01:-18:-01

25 A. In regards to the protection for my uncle?

1 Q. Yes.

2 A. That I had to pay I believe it was \$4,000,000.

3 Q. Why?

4 A. For their protection.

-01:-17:-45 5 Q. Did you ever tell your uncle or the others in
6 that text message about this protection?

7 A. No, I didn't.

8 Q. About the payment?

9 A. No.

-01:-17:-32 10 Q. And you also had -- what else happened in 2014
11 regarding the LifeTree contract?

12 A. We defaulted on the contract and they sued us at
13 the end of the year.

14 Q. Did you ever tell the defendant about the
-01:-17:-07 15 LifeTree lawsuit?

16 A. I don't know. I don't know if I did.

17 Q. Did you ever tell Santiago Garcia or the
18 Commissioner Gordon?

19 A. I told Garcia, yes.

-01:-16:-49 20 Q. Did you have an understanding about whether
21 commissioner Gordon was going to help on the LifeTree
22 lawsuit?

23 A. Yes he offered to do that.

24 Q. And what was the offer?

-01:-16:-38 25 A. That he would have it transferred to Dallas.

1 Q. Did it ever get transferred to Dallas?

2 A. No.

3 MR. GERAGOS: I'm sorry. I missed the last
4 question.

-01:-16:-24 5 Q. (By Mr. Rolwing) Did it ever get transferred to
6 Dallas?

7 MR. GERAGOS: Thank you.

8 Q. (By Mr. Rolwing) Did you ever buy
9 Mr. Termendzhyan any more gifts?

-01:-16:-10 10 A. Yes, I did.

11 Q. Would you look at 6-62.6?

12 MR. ROLWING: 6-62.6.

13 MR. GERAGOS: .6 --

14 THE COURT: 6-62.6.

-01:-15:-37 15 Q. (By Mr. Rolwing) Do you recognize this text?

16 A. Yes, I do.

17 Q. What is it?

18 A. It is a text from me to Levon.

19 Q. What are you texting him?

-01:-15:-25 20 A. Texting him a picture of a watch.

21 Q. Why?

22 A. I was asking him if he liked it.

23 Q. This is in February 14?

24 A. Yes.

-01:-15:-14 25 Q. Go to the next page, please.

1 Is that the picture blown up that you texted
2 Mr. Termendzhyan.

3 A. Yes.

4 Q. Can you zoom in down here, Ms. Bonney?

-01:-15:-03 5 I don't have the touch screen capacity, Ms.
6 Schaerrerr.

7 How much was this watch?

8 A. It was \$137,000.

9 Q. Did you buy it?

-01:-14:-49 10 A. Yes, I did.

11 Q. What did you do with it?

12 A. I gave it to Levon.

13 Q. Can you identify 6-44.2? Can you identify that?

14 A. Yes.

-01:-14:-13 15 Q. What is it?

16 A. It is a picture of me and Levon in front of the
17 Bugatti and Ferrari.

18 Q. Where?

19 A. We were at Hiro's Banquet Hall.

-01:-14:-03 20 Q. Who is Hiro?

21 A. It is a friend of Levon's.

22 Q. What is that big thing above your heads?

23 A. That is just part of the banquet hall. It is a
24 lion.

-01:-13:-52 25 Q. Does Levon Termendzhyan have any relationship to

1 this building?

2 A. I don't know.

3 Q. What was going on at the time in this building
4 when you took this picture?

-01:-13:-41 5 A. I don't remember what was going on when we was
6 there.

7 Q. Who owned the building?

8 A. I believe it to be Hiro.

9 MR. GERAGOS: Objection. Well, actually I
-01:-13:-29 10 withdraw it.

11 Q. (By Mr. Rolwing) And on the left is the car you
12 bought Mr. Termendzhyan?

13 A. Yes.

14 Q. What about the car on the right?

-01:-13:-17 15 A. That is a Ferrari.

16 Q. And this is taken March 16, 2014, on your phone?

17 A. Yes.

18 Q. Before the trip to Houston?

19 A. Yes.

-01:-13:-04 20 Q. What happened to that car?

21 A. He gave it to me that year for my birthday.

22 Q. When is your birthday?

23 A. April.

24 Q. Few weeks after this?

-01:-12:-55 25 A. Yes.

1 Q. Who attended the birthday party and where was it,
2 for you?

3 A. Levon did. It was at my house. I had about 50
4 guests, family and friends.

-01:-12:-42 5 Q. Who else attended?

6 A. Um, Deryl was there.

7 Q. He came from Miami?

8 A. Yes.

9 Q. Do you recognize 6-44.3? Sorry, wrong picture.

-01:-12:-06 10 MR. ROLWING: I think that is the wrong one.

11 I'll get you the right one in a second. Let me see
12 if it is on this. 6-88, provisionally admitted.

13 Q. (By Mr. Rolwing) Do you recognize this picture?

14 A. Yes, I do.

-01:-11:-10 15 Q. Who is in the picture?

16 A. Myself, Deryl, Won-G and Yuri.

17 Q. Who is Yuri and who is Won-G?

18 A. Won-G is a rapper that Levon introduced me to in
19 California and Yuri is a friend of Levon's.

-01:-10:-47 20 Q. Is Won-G on the left?

21 A. Yes.

22 Q. And where is Deryl?

23 A. Next to Won-G.

24 Q. In the sunglasses?

-01:-10:-39 25 A. Yes.

1 Q. When was this picture taken?

2 A. This was taken a day or two after my birthday,
3 um, in Salt Lake City.

4 Q. And what is happening in this picture?

-01:-10:-27 5 A. This is a picture of them leaving.

6 Q. To go where?

7 A. Back to California.

8 Q. On whose plane?

9 A. On Levon's plane.

-01:-10:-19 10 Q. Did you go on this trip to California on this
11 plane?

12 A. No, I didn't.

13 Q. Thank you, Ms. Bonney.

14 Did you ever discuss with your brother Isaiah
-01:-09:-56 15 that you were going to own a bank in Turkey.

16 A. I think so.

17 Q. Do you remember discussing with him what to name
18 the bank?

19 A. Um, I may have.

-01:-09:-38 20 Q. Do you remember what you proposed?

21 A. No, I don't remember.

22 Q. What did the bank get named?

23 A. Mega Varlik.

24 Q. Did you choose that name?

-01:-09:-25 25 A. No. I had no say in the name of the bank.

1 Q. What does Mega Varlik mean?

2 A. I don't know.

3 Q. Were you required to submit any documentation to
4 Baran Korkmaz or his assistant Umut in Turkey to get
-01:-09:-06 5 the bank established in Turkey?

6 A. Yes.

7 Q. What kind of documentation?

8 A. I think it was about my personal life, my CV, my
9 things about my company.

-01:-08:-51 10 Q. Did you also have to submit any reference
11 letters?

12 A. Yes, I did.

13 Q. And who provided the reference letters?

14 A. I don't remember who did the reference letters.

-01:-08:-37 15 MR. ROLWING: Can you look at 16-3, page -- I
16 have it as admitted, Your Honor, 16-3.

17 THE COURT: Okay.

18 Q. (By Mr. Rolwing) Do you recognize this as an
19 e-mail from Jordan Sebatane to Fariba Graham, CC-ing
-01:-07:-59 20 you in March of 2014?

21 A. Yes, I do.

22 Q. And what is Ms. Sebatane attaching?

23 Is that how you pronounce her last name?

24 A. Sebatane.

-01:-07:-47 25 Q. What is she attaching?

1 A. Reference letters from SBK Holdings.

2 Q. Can we see Page 2? Who signs the reference
3 letter on behalf of SBK Holding in Turkey.

4 A. Baran did.

-01:-07:-28 5 Q. What does Baran say in the second paragraph about
6 his relationship with your company United Fuel
7 Supply?

8 A. That we had done upwards of \$150,000,000.00 per
9 year.

-01:-07:-15 10 Q. In what?

11 A. In biodiesel and energy commodities.

12 Q. And was that true?

13 A. No.

14 Q. Had you done any biodiesel and energy commodity
-01:-07:-07 15 transactions with SBK Turkey?

16 A. No.

17 Q. Did the bank get established?

18 A. Yes.

19 MR. GERAGOS: I'm sorry. Did the bank --

-01:-06:-50 20 THE COURT: Did the bank get established?

21 MR. GERAGOS: Oh, got it.

22 Q. (By Mr. Rolwing) Thank you, Ms. Bonney.

23 Did you engage in any more rotation or
24 cycling of financial transactions with Deryl Leon in
-01:-06:-34 25 2014?

1 A. I don't think we did.

2 Q. Did you -- did you engage in any rotation of
3 product in 2014 with Deryl Leon, the barges and the
4 tanks?

-01:-06:-12 5 A. No.

6 Q. What was the plan?

7 MR. GERAGOS: Objection, vague as to what
8 we're talking about.

9 THE COURT: Sustained.

-01:-06:-04 10 MR. ROLWING: I'll rephrase.

11 Q. (By Mr. Rolwing) Was there any plan to file a
12 claim for refund for the year 2014 like you had done
13 in 2013?

14 A. Yes.

-01:-05:-50 15 Q. And who did you have that plan with?

16 A. We -- Levon and I discussed it.

17 Q. And what was the plan?

18 A. The plan was that we was going to -- in early '14

19 we was going to get more product to start rotating

-01:-05:-34 20 again with the anticipation of the tax credit coming

21 back. And at the end of the year, of 2014, the plan

22 was that we was not going to use any product. We was

23 just going to file with -- with -- with no product

24 but we was going to use -- have financial --

-01:-05:-07 25 financial backing to, and transactions, to back up

1 the claims.

2 Q. And who would those transactions or backing be
3 with?

4 A. That would be with Deryl. So the plan was that
-01:-04:-57 5 at the end of the year that we would rotate funds
6 again with Deryl.

7 Q. And did you?

8 A. Yes, we did.

9 Q. Let's look at GX1-6. Do you recognize this
-01:-04:-38 10 summary.

11 A. Yes, I do.

12 Q. What is it?

13 A. It is a summary of the transactions that we have
14 with Deryl.

-01:-04:-32 15 Q. In what time period?

16 A. September to October, end of October.

17 Q. In 2014?

18 A. Yes.

19 Q. So how much money did you -- what was the corpus?
-01:-04:-13 20 How much money did you send to Deryl and he cycle
21 back?

22 A. Roughly \$8,000,000.

23 Q. And it amounted to -- how many times did you do
24 it, approximately?

-01:-04:-02 25 A. Roughly 15 times.

1 Q. And so how much in total did it look like
2 Washakie was bringing in from Skinny Crow in this
3 two-month time period?

4 A. \$100,000,000.00.

-01:-03:-15 5 Q. Was it expensive in 2013 to rotate all of that
6 product?

7 MR. GERAGOS: Objection. Vague.

8 THE WITNESS: Yes, it was.

9 THE COURT: Overruled.

-01:-03:-04 10 Q. (By Mr. Rolwing) Was it expensive to rotate all
11 of that product in 2013?

12 A. Yes, it was.

13 Q. Did that play any role in the decision not to
14 rotate product in 2014?

-01:-02:-54 15 A. Yes, it did.

16 Q. Would you -- did you ever -- did the lawsuit that
17 you mentioned regarding the Kazi payments come to a
18 head in 2014?

19 A. Yes.

-01:-02:-21 20 Q. Did you ever file any declaration or affidavit in
21 that lawsuit?

22 A. Yes.

23 Q. Would you look at 6-85? Do you recognize it?

24 A. Yes.

-01:-01:-40 25 Q. What is it?

1 A. It is a declaration in regards to Kazi's loan.

2 Q. Can you speak up, Mr. Kingston? I didn't hear
3 you.

4 A. I'm sorry. It is a declaration in regards to
-01:-01:-29 5 Kazi's loan.

6 Q. And whose declaration is it?

7 A. It's mine.

8 Q. And let's see what it's dated. Let's go to
9 Page 2. Is that your signature?

-01:-01:-15 10 A. Yes.

11 Q. What is the date?

12 A. 19th of August of 2014.

13 Q. Where were you on the 19th of August 2014? Do
14 you remember?

-01:-01:-02 15 MR. GERAGOS: Objection. Apparently looking
16 at a document.

17 THE WITNESS: I don't remember as I sit here.
18 If I could look at my travel history, I could be
19 reminded.

-01:00:-52 20 Q. (By Mr. Rolwing) Take a look at 6-100.3 and read
21 it to yourself and let us know if that refreshes your
22 recollection of where you were on August 19 of 2014.

23 A. I was in Turkey.

24 Q. With who?

-01:00:-36 25 A. I was in Turkey with Levon on the 19th of August.

1 Q. Did Levon Termendzhyan also sign a declaration in
2 this lawsuit?

3 A. Yes.

4 Q. This loan to Kazi's or the payment to Kazi's
-01:00:-16 5 creditor to pay off his loan was from who again?

6 A. The money came from Washakie.

7 Q. So why was Levon Termendzhyan involved in this
8 lawsuit?

9 A. Because Kazi countersued both Washakie and Lion
00:-59:-54 10 Aviation.

11 Q. And why was Lion Aviation involved in the Kazi
12 dispute?

13 A. Because he was added to the lawsuit that I filed.

14 Q. Levon?

00:-59:-43 15 A. Yes.

16 Q. Who was calling -- who was making the decisions
17 about the lawsuit involving Kazi between you and
18 Mr. Termendzhyan?

19 A. Levon was.

00:-59:-24 20 Q. Who owns Lion Aviation?

21 A. I don't know.

22 Q. Who controls it?

23 A. Levon does.

24 Q. Let's look at who you were texting on that day,
00:-59:-04 25 August 19th, 2014, from Turkey. Do you recognize

1 7-1, page 13?

2 MR. GERAGOS: Is that on the screen?

3 THE COURT: Has it been received?

4 MR. GERAGOS: Could we have one moment,

00:-58:-39 5 Your Honor? No objection.

6 Q. (By Mr. Rolwing) Can you blow that last part up.

7 Do you recognize this as a text message pulled from
8 your phone?

9 A. Yes.

00:-58:-22 10 Q. Who is it with?

11 A. Between Isaiah and myself.

12 Q. And he is asking you what?

13 A. He is asking do you want the beneficiary date and
14 amount or just the date.

00:-58:-11 15 Q. And go to Page 2. What do you respond?

16 A. The date and the amount.

17 Q. Who are you with when you're texting Isaiah?

18 A. I was with Levon.

19 Q. And what information is he providing -- is Isaiah
20 Kingston providing you in response to your request?

21 A. All of the money that I sent to Turkey.

22 Q. Why were you asking Isaiah to give you this
23 information?

24 A. Because I was having this discussion with Levon
00:-57:-39 25 in Turkey.

1 Q. Does any of this -- do you recognize these
2 payments?

3 A. Yes.

4 Q. Can you identify them for the Court?

00:-57:-27

5 A. Yes, I can.

6 Q. What are the purpose -- who did they go to?

7 A. The first two payments was the 9,000,000 that
8 went to Komak; 13,000,000 and 10,000,000 went to
9 Komak that was for Levon; 483 was for the vat. I

00:-57:-05

10 don't remember the 4,000,000. I don't remember the
11 other two.

12 Q. Do you see on there \$10,000,000.00 SBK Turkey in
13 November of '13?

14 A. Yes.

00:-56:-52

15 Q. Where?

16 A. I'm sorry, I don't. It's the wrong 10,000,000.

17 Q. The 10,000,000 on March 12th, where did you send
18 that or did you -- where did you have Isaiah send it?

19 A. I don't know if it was SBK or Komak.

00:-56:-34

20 Q. Any of this go to your own personal bank account?

21 A. Yes.

22 Q. In Turkey?

23 A. That March payment of 10,000,000 was a personal
24 bank account.

00:-56:-22

25 Q. Do you see the \$1,000,000.00 you sent to Viscon

1 on 9-9-13 included in this?

2 A. No.

3 Q. Do you see any money related to the Bugatti?

4 A. No.

00:-56:-10 5 Q. Do you see Kazi's \$11,000,000 payment?

6 A. No.

7 Q. And was there even more listed below?

8 A. Yes.

9 Q. What were those?

00:-55:-59 10 A. Those are payments made to the Doga Dogan
11 account.

12 Q. Did any of this listing involve the money you
13 sent to Belize?

14 A. No.

00:-55:-34 15 Q. Just Turkey?

16 A. At the very bottom he says there is also two
17 payments of 10,000,000 each that didn't go there, but
18 it is probably part of the amounts.

19 Q. So these numbers are not all is what Isaiah is
00:-55:-16 20 telling you?

21 A. Yes.

22 Q. Did you communicate these figures to anybody
23 while you were in Turkey?

24 A. I was showing them to Levon.

00:-54:-58 25 Q. Why were you showing them to Levon?

1 A. He wanted an accounting of what -- what he got
2 from the 2013 Gulf project.

3 Q. So we started by looking at 6-85 which was your
4 declaration signed on this same day while you were in
00:-54:-35 5 Turkey. Did you discuss the plan to get Kazi to
6 repay this money with Levon? Did you discuss it with
7 Levon I mean?

8 A. I don't remember talking about it. I didn't sign
9 that declaration on the 19th.

00:-54:-20 10 Q. Why does it say August 19th?

11 A. That is what was put on the document.

12 MR. GERAGOS: Objection. Motion to strike.

13 THE COURT: Let's have the jury disregard all
14 of that testimony because it wasn't in response to a
00:-54:-07 15 question and so just ignore everything from -- let's
16 see, the last thing we asked was, "did you discuss it
17 with Levon" and he said, "I don't remember talking
18 about it." Disregard everything after that.

19 MR. GERAGOS: May we approach.

00:-53:-46 20 May we approach.

21 THE COURT: Yes.

22 THE WITNESS: I'm sorry.

23 (Sidebar conference.)

24 MR. GERAGOS: We did a whole -- I don't know,
00:-53:-27 25 five, six questions on August 19th. That's when it

1 was sent, where were you, hold on, I'll check, yeah,
2 Levon and I were in Turkey, what was going on during
3 this, blah, blah, blah, blah, blah. The whole thing
4 was based on something that's not true.

00:-53:-13

5 What were you discussing when this was
6 signed? All of that, the entire line of questioning.
7 How am I supposed to -- and I understand that
8 there -- that they need to go through this direct,
9 but how in real time am I supposed to respond to

00:-52:-58

10 this, what I believe, is a witness deliberately
11 misleading or the government apparently doesn't know
12 what he is going to say. This is extremely
13 frustrating.

00:-52:-46

14 We went through an entire refreshing of his
15 recollection looking at the documents, where were you
16 on August 19th, where was Levon on August 19th, and
17 now he didn't sign it on August 19th.

18 MR. ROLWING: I'm not sure what the question
19 is, Your Honor.

00:-52:-35

20 THE COURT: Well, I think Mr. Geragos's point
21 is that you went through a whole line of questioning
22 based on the premise that he signed this document on
23 the 19th, and then after you elicited all of the
24 testimony, he volunteers that he didn't sign it on
25 the 19th. So perhaps you better go back and say to

00:-52:-20

1 him, well, if you didn't sign it on the 19th, then
2 you need to go back and figure out what happened
3 there.

4 MR. ROLWING: Gladly.

00:-52:-08

5 THE COURT: Okay.

6 (Sidebar conference concluded.)

7 MS. GOEMAAT: Thank you, Your Honor.

8 Q. (By Mr. Rolwing) Mr. Kingston, were you with
9 Levon Termendzhyan in Turkey in August 2014?

00:-51:-45

10 A. Yes, I was.

11 Q. Were you with Levon Termendzhyan when you were
12 texting your brother Isaiah for all of this detail on
13 these transactions?

14 A. Yes, I was.

00:-51:-37

15 Q. Were you with Levon Termendzhyan when you signed
16 this declaration in the Kazi lawsuit?

17 A. Yes, I was.

18 Q. Did you sign that declaration on August 19th,
19 2014?

00:-51:-25

20 A. No, I didn't.

21 Q. Do you remember where you were and when it was
22 that you signed it?

23 A. I don't remember when it was, but I was in
24 Edgar's office and we signed it.

00:-51:-13

25 Q. And Edgar's office is in what country?

1 A. It is in southern California.

2 Q. Is that why you believe that you didn't sign it
3 on August 19th, 2014?

4 A. Yes.

00:-50:-57

5 MR. GERAGOS: Well, then there is a motion to
6 strike all of the previous testimony regarding this.

7 THE COURT: Right.

8 MR. ROLWING: I've just cleared it up,
9 Your Honor.

00:-50:-48

10 MR. GERAGOS: It isn't.

11 THE COURT: Members of the jury, I think
12 there is confusion. The whole line of questioning
13 related to what was going on when the affidavit was
14 signed. And Mr. Kingston has now just indicated that
15 that happened in Southern California and not in
16 Turkey. So I think we have some very confusing
17 testimony here.

00:-50:-35

18 MR. ROLWING: I will try and clear it up,
19 Your Honor.

00:-50:-23

20 Q. (By Mr. Rolwing) Did you discuss these payments
21 that you were texting Isaiah about on the day you got
22 the text messages from Isaiah while you were in
23 Turkey?

24 A. Yes.

00:-50:-10

25 Q. And who did you discuss those with?

1 A. With Levon.

2 Q. Did you discuss any of the other payments you had
3 made to Levon Termendzhyan or on his behalf from the
4 2013 tax credit money?

00:-49:-57

5 A. Yes.

6 Q. What did you discuss?

7 MR. GERAGOS: May I approach?

8 THE COURT: You may.

9 (Sidebar conference.)

00:-49:-42

10 MR. GERAGOS: His testimony -- he has
11 testified, now that he refreshed his recollection,
12 this is what the record is, he refreshed his

13 recollection with the travel documents. He knows
14 that on August 19th he was there. What was -- the

00:-49:-29

15 same thing happening on August 19th when you signed
16 that. I was texting with my brother. Now he is
17 testifying that he was in Edgar's office. He doesn't
18 know when he was testifying in Edgar's office. None

19 of this is -- there is not an evidentiary basis for

00:-49:-15

20 him to refresh his recollection for something he just
21 said didn't happen.

22 MR. ROLWING: I think Mr. Geragos

23 misunderstands. He is in Turkey and he is saying he
24 was not in Edgar's office on August 19th, he was in

00:-49:-01

25 Turkey. He signed that document while in Edgar's

1 office some other time and that's why he knows he --
2 it was not signed in Turkey because he was in Turkey
3 on August 19, 2014.

4 MR. GERAGOS: He has been given a script by
5 the government that the government prepared.

6 THE COURT: Mr. Geragos, what do you propose?

7 MR. GERAGOS: I propose to strike all of the
8 testimony that is based on the, at best, confusing
9 refreshment of recollection. I don't think that

10 there is any basis for any of this, certainly not
11 that he was in Turkey on August 19th. He can't tell
12 you where he was when he signed this. Before he

13 signed this with a date. The other -- I just don't
14 even know -- this is part of the problem with the

15 prosecution case. This witness doesn't know
16 anything. This witness is being led through a series
17 of documents as to why they filed this MOI series
18 because they know that he hasn't had 20 different
19 MOIs.

20 He is programmed to say whatever he will say.
21 But now we're telling a jury that I don't know when
22 it was I signed this. I refreshed my recollection.
23 I was in Turkey. There isn't any credibility in any
24 of this.

25 The Court is the gatekeeper of the evidence

1 and we have no basis for him to refresh his
2 recollection that he was in Turkey. There is nothing
3 that corroborates it other than a government created
4 document which he was looking at and then he realized
5 he didn't sign it on that date.

6 THE COURT: So you're suggesting that he
7 refreshed his recollection by looking at the
8 declaration and that then tainted everything from
9 then on.

10 MR. GERAGOS: Correct.

11 MR. ROLWING: That's not an accurate
12 portrayal of what occurred. He has just
13 misrepresented everything that occurred in a few
14 ways, but more importantly, and I can go through
15 them, this is all subject to his cross, he can cross
16 him on the credibility of these recollections. What
17 he did was review his travel to refresh his
18 recollection of where he was in August of 2014, not
19 this declaration.

20 He did then look at the declaration and then
21 he also has testified about these text messages.
22 What I understand his testimony to be is that he was
23 in Turkey with Levon. He texted his brother
24 regarding all of these while he was there. The
25 declaration was signed sometime other than

1 August 19th --

2 THE COURT: But --

3 MR. GERAGOS: -- in Edgar's office.

4 THE COURT: -- you launched into this whole

00:-46:-39 5 thing by starting with the declaration to refresh his
6 recollection.

7 MR. ROLWING: No. I did not start in to
8 refresh his recollection. I asked him to look at his
9 travel, where was he on that date.

00:-46:-29 10 MR. GERAGOS: You asked him to look at his
11 travel. He looked down and I stated for the record
12 he is looking at this and he is looking at the
13 screen. The declaration was on the screen and he is
14 looking at the item that's sitting there, right in
00:-46:-18 15 front of him. And that is what happened. That is
16 what happened. I'm not misrepresenting anything. I
17 was actually here in the courtroom five minutes ago
18 and watched it happen. That is what I said at the
19 time. My complaint is that we're not getting true
00:-46:-05 20 testimony. We're not getting true --

21 THE COURT: Mr. Geragos, would you like to
22 voir dire the witness about this interchange right
23 now?

24 MR. GERAGOS: Yes.

00:-45:-57 25 THE COURT: And would that solve the problem?

1 MR. GERAGOS: Yes.

2 THE COURT: Okay. Let's do that.

3 (Sidebar conference concluded.)

4 THE COURT: Members of the jury, there has
 00:-45:-44 5 been some confusion about when things were signed and
 6 what is being used to refresh this witness's
 7 recollection. So I'm going to allow Mr. Geragos to
 8 make some inquiry of the witness right now to --

9 MR. ROLWING: In front of the jury, Your
 00:-45:-28 10 Honor, or are we doing this outside of the presence
 11 of the jury?

12 THE COURT: No. I'm going to let him clear
 13 it up right now and then you can continue with your
 14 examination.

00:-45:-21 15 **VOIR DIRE EXAMINATION**

16 BY MR. GERAGOS:

17 Q. Mr. Kingston.

18 A. Yes.

19 Q. Good morning.

00:-45:-13 20 A. Good morning.

21 Q. Do you remember when he -- when Mr. Rolwing just
 22 showed you the Government's Exhibit 6-85?

23 Can you pull that up, please? Do you
 24 remember that? The declaration, Superior Court State
 00:-44:-59 25 of California, even though superior is spelled wrong,

1 County of Los Angeles right there.

2 A. Yes, I do remember.

3 Q. Page 2. Do you remember when he showed you this?

4 A. Yes.

00:-44:-48

5 Q. August 19th, do you remember sitting and looking
6 at that and then when he asked you where you were
7 August 19th, did you then look at -- what's the item
8 that is right there, the travel log, what is the
9 exhibit number of that, one point what?

00:-44:-34

10 A. 6-100.3.

11 Q. 6-100.3? Didn't you just look at both of those
12 items and testify that August 19th you were in
13 Turkey?

14 A. Yes.

00:-44:-24

15 Q. And the reason you said that is because you are
16 looking at six point -- what is it?

17 A. 6-100.3.

18 Q. Correct. You don't remember where you were when
19 you signed the declaration on August 19th, or that
20 says August 19th, do you?

00:-44:-13

21 A. I'm sorry, where I was?

22 Q. What date did you sign this declaration?

23 A. I don't remember.

24 Q. Okay. Do you know where you were?

00:-44:-04

25 A. I remember where I was.

1 Q. And where were you?

2 A. I was in the Pillar Law Group.

3 Q. And what if the date is accurate on this
4 declaration, August 19th, is that -- is that -- would
5 you have refreshed your recollection with something
6 that was inaccurate? As you -- you don't -- as you
7 sit here -- let me ask you the question. As you sit
8 here, if you don't have the document that is sitting
9 in front of you, which is this summary prepared by
10 the government, right?

11 A. Right.

12 Q. You didn't prepare that, correct?

13 A. No, I didn't.

14 Q. You didn't go back and take a look at the
15 invoices of your Travelocity or anything else,
16 correct?

17 A. No, I didn't.

18 Q. Okay. So you're getting this because the
19 government handed it to you and you assume it is
20 correct, right?

21 A. That's right.

22 Q. Okay. So you don't know whether or not you were
23 in, August 19th here on the declaration, as you're
24 sitting here, there is no -- you have no memory that
25 you weren't in Edgar's office on August 19th, right?

1 A. That's correct.

2 Q. And the text messages to Isaiah, even though you
3 discussed it with Levon, I assume Levon was in
4 Edgar's office with you?

00:-43:-01

5 A. Yes.

6 Q. And you could have just as easily been discussing
7 those texts in Edgar's office when you signed the
8 declaration?

9 A. Yes, that's possible.

00:-42:-53

10 MR. GERAGOS: Thank you. I have no further
11 questions.

12 THE COURT: Okay. You may proceed,
13 Mr. Rolwing.

14 **CONTINUED DIRECT EXAMINATION**

00:-42:-46

15 BY MR. ROLWING:

16 Q. Can we look at 6-62.14? Do you recognize this?

17 A. Yes.

18 Q. Who is it text messages with?

19 A. It is text between Levon and myself.

00:-42:-10

20 Q. In what month?

21 A. August of 2014.

22 Q. And where was Levon landing when he texted you,
23 "I just landed," on August 6, 2014?

24 A. He just landed in Turkey.

00:-41:-48

25 Q. How do you know that?

1 A. Because I was going over there to see him.

2 Q. Is that why you said, "I'll see you Sunday"?

3 A. Yes.

4 Q. Next page. What did you text him on August 20th,
00:-41:-27 5 2014?

6 A. "Missed my flight."

7 Q. Actually, it was from the prior day. Let's go
8 back, Ms. Bonney, to the prior page and see what --

9 MR. GERAGOS: May I have one moment, please?

00:-41:-15 10 THE COURT: You may.

11 MR. GERAGOS: Thank you.

12 Q. (By Mr. Rolwing) On August 9th, at the bottom
13 you texted him what?

14 A. That I had missed my flight.

00:-41:-02 15 Q. Let's go to the next page, Ms. Bonney.

16 And what did you text him on August 20th?

17 A. That I just got home.

18 Q. Where is your home?

19 A. Salt Lake City.

00:-40:-52 20 Q. Where were you between whenever you arrived in
21 Turkey and August 20th?

22 A. I was in Turkey.

23 Q. Do you know why your declaration is signed or
24 dated August 19th, 2014, if it was signed in

00:-40:-24 25 California in Edgar's office?

1 A. I don't know.

2 Q. Okay. Ms. Bonney, you can take that down.

3 During 2014, did you continue to ask for
4 money back from Turkey?

00:-39:-36

5 A. Yes, I did.

6 Q. Did you ever know in 2014 or '15 that any of the
7 money you had sent to Turkey had been sent back to
8 the United States?

9 A. No, I didn't.

00:-39:-22

10 Q. Yesterday we ended with you having text messages
11 with Umut Uygan, these requests for money and the
12 payment you were expecting from Baran in Switzerland.
13 Do you remember that?

14 A. Yes.

00:-38:-52

15 Q. Let's go to 6-66.11. Do you remember what the
16 dates of the texts concerning Baran going to
17 Switzerland were we went over yesterday?

18 A. I would have to look to refresh my memory.

19 Q. Let's look at 6-66.10 if you can. Yeah, I
20 believe it is 10, Ms. Bonney.

00:-38:-20

21 Can you show that just to the witness, Ms.
22 Schaerrerr, even though it is in evidence.

23 MR. GERAGOS: I'm sorry, what?

24 MR. ROLWING: Is it not that one.

00:-38:-03

25 MS. BONNEY: No.

1 MR. ROLWING My apologies, Your Honor. Hold
2 on.

3 MR. GERAGOS: I thought.

4 MR. ROLWING: 6-66 --

00:-37:-49

5 THE WITNESS: It is right here.

6 MR. ROLWING: That is nine.

7 MR. GERAGOS: Is this on for just the
8 witness?

00:-37:-38

9 THE COURT: Yes. And is it -- so the record
10 is clear, we have got 6-66.9.

11 MR. ROLWING: Correct.

12 MR. GERAGOS: Okay.

13 MR. ROLWING: This is already --

00:-37:-29

14 MR. GERAGOS: We're not asking about 6-66.11
15 any more.

16 THE COURT: No. I think that the witness
17 didn't recall dates so I think Mr. Rolwing is showing
18 this to the witness to try and refresh his
19 recollection as to dates.

00:-37:-17

20 MR. GERAGOS: Thank you.

21 Q. (By Mr. Rolwing) Do you see -- could you read
22 6-66.9 to yourself?

23 A. Yes.

00:-37:-06

24 Q. Does that refresh your memory as to when the text
25 with Ms. Uygan were about the payment from

1 Switzerland?

2 A. Yes.

3 Q. And what were the dates of those text messages?

4 A. September 5th, 2014.

00:-36:-54 5 Q. Let's go to 6-66.11? What are the dates of these
6 text messages and who are they with?

7 A. With Umut and myself.

8 Q. And are you still requesting the money?

9 A. Yes.

00:-36:-30 10 Q. And are you trying to contact Ms. Umut Uygun?

11 A. Yes.

12 Q. What's going on in these text messages?

13 A. We're just missing each other on our conference
14 times.

00:-36:-13 15 Q. Next page. What do you text her on
16 September 13th, 2014?

17 A. I asked if she is coming to the office and I have
18 been waiting and told her to be honest with me.

19 Q. Did you suspect that she was not being honest
00:-35:-48 20 with you?

21 A. Yes.

22 Q. And the next page, what does she respond to you
23 on the 13th?

24 A. She says, I called you but the voice mail box
00:-35:-29 25 opened. She says please call me. And then she said

1 she sent me an e-mail.

2 Q. Did you get the e-mail?

3 A. Yes.

4 Q. And so let's look at some of the e-mails that you
00:-35:-12 5 had with Ms. Uygun during this time period.

6 Government Exhibit 6-47. What did she e-mail to you?

7 Well, what did you e-mail to her on September 11th,
8 2014, six years ago September?

9 A. I told her to send the account -- or money to
00:-34:-27 10 this account.

11 Q. And is Baran Korkmaz also on that e-mail?

12 A. Yes.

13 Q. Did you get money sent to that account.

14 A. No, I didn't.

00:-34:-19 15 Q. What did Ms. Uygun respond to you?

16 A. She says we did not understand this wording that
17 you were using. Baran saw you as a brother and
18 invested all money that you sent on real estate on
19 your name. Only aim was to earn money for you, but
00:-33:-59 20 you did not understand the case.

21 Q. And what did you respond?

22 A. I told her this is the -- this is the account to
23 wire money that we agreed on sending. I re-sent the
24 account info in case you didn't have it. We agreed
00:-33:-40 25 money to be transferred last week. I made

1 commitments based on what we talked about. I have
2 always seen Baran as a brother too, but I need the
3 money back to cover commitments. We first talked
4 about this in May, but nothing has been sent. Please
00:-33:-26 5 tell me when money is going to be transferred as we
6 agreed.

7 Q. Did you get the money?

8 A. No.

9 Q. Let's look at 6-47.1. Do you recognize this as
00:-33:-07 10 an e-mail chain between you and Ms. Uygun?

11 A. Yes.

12 Q. Let's go to the bottom of the Page 2. On
13 September 13th, is that the same day?

14 A. Yes.

00:-32:-49 15 Q. What did she tell you about the money you had
16 sent to Turkey?

17 A. Do you want me to read this?

18 Q. I don't want you to read it. Do you remember
19 this e-mail?

00:-32:-32 20 A. Yes, I do.

21 Q. And what did -- can you summarize it for the jury
22 what Ms. Umut was telling you about your money?

23 A. She told me that she or Baran had invested mine
24 and Levon's money into real estate, technology and
00:-32:-17 25 other investments.

1 Q. Did she mention Asset Management Bank, too?

2 A. Yes.

3 Q. And who does she say has an interest in these
4 three things, real estate, technology company and
5 Asset Management Bank?

6 A. She says she created a fund with his, yours, and
7 Levon's money.

8 Q. And then later on what does she say about the
9 investments being fresh and if they're liquidated?

10 A. She says she understands you and tries to solve
11 issues without harming all of the investments and the
12 relations. All of the investments were fresh and if
13 he liquidates them, you all can lose money which is
14 not only yours, it's Levon's and his money as well.

15 Q. Did you get any money back?

16 A. No.

17 Q. Did this cause you any concern?

18 A. Yes.

19 Q. What did you -- did you respond to her?

20 A. Yes, I did.

21 Q. Is this your response up here (indicating)?

22 A. Yes, it is.

23 Q. What language is that?

24 A. That is in Turkish.

25 Q. And did you write that?

1 A. No.

2 Q. What did you do?

3 A. I wrote an e-mail in English and Google
4 translated it.

00:-30:-54 5 Q. And then what?

6 A. I sent both copies in English and Turkish.

7 MR. GERAGOS: Could we -- could I just
8 specify for the record exactly what exhibit and page
9 this is? It looks like on here 6.07.1 but I don't
00:-30:-39 10 know the page number.

11 THE COURT: Can you help us with that,
12 Mr. Rolwing?

13 MR. ROLWING: Page 2.

14 MR. GERAGOS: Page 2.

00:-30:-32 15 MR. GERAGOS: Of 6.047.1?

16 MR. ROLWING: Correct.

17 MR. GEROGAS: Thank you.

18 Q. (By Mr. Rolwing) So you didn't type it in
19 Turkish?

00:-30:-21 20 A. No.

21 Q. You typed it in English?

22 A. Yes.

23 Q. And then cut and pasted the translated version
24 from Google Translate?

00:-30:-14 25 A. Yes.

1 Q. Did you also write the -- include the English
2 version of what you wrote?

3 A. Yes.

4 Q. Let's go to Page 1. Is that the English version
5 of what you wrote?

6 A. Yes.

7 Q. And can you explain to the jury what you were
8 saying and why?

9 A. I told them that I had made commitments and that
10 if I didn't meet those commitments, then I would
11 stand to lose a lot of money.

12 Q. And who did you tell them would be upset?

13 A. That my family would be upset.

14 Q. What did you mean by that?

15 A. I meant that my family would be upset, and that I
16 would be facing a lot of losses and trouble and my
17 family would be upset.

18 Q. When you said, "my family," who were you
19 referring to?

20 A. At this time, Baran had met my parents and my
21 uncle and I was referring to both my parents and my
22 uncle.

23 Q. And you -- you said down here what?

24 A. I said and my family sees that I lost almost
25 50,000,000.

1 Q. Why did you -- did you think you had lost
2 50,000,000?

3 A. At this time if I did not cover that debt, then I
4 would see a \$50,000,000.00 lawsuit, yes.

00:-28:-43

5 MR. GERAGOS: I'm sorry --

6 THE WITNESS: So I was --

7 MR. GERAGOS: -- suit or loss.

8 THE COURT: He said, at that time if I did
9 not cover that debt then I would see a \$50,000,000.00
10 lawsuit, yes.

00:-28:-34

11 Q. (By Mr. Rolwing) Had you sent 50,000,000,
12 approximately, to Turkey?

13 A. Yes.

14 Q. Which 50,000,000 are you referring to losing
15 here?

00:-28:-21

16 A. The 50,000,000 I sent to Turkey.

17 Q. Did you have any idea that any of that 50,000,000
18 you had sent to Turkey had already been sent back to
19 the United States?

00:-28:-10

20 A. I had no idea.

21 Q. Does Umut or Baran ever tell you in this e-mail
22 that some of it had been sent back to the United
23 States?

24 A. No.

00:-27:-47

25 Q. Did you continue to ask for money back?

1 A. Yes.

2 Q. Let's look at 6-54.06. Do you recognize who you
3 are texting in November of 2014?

4 A. Yes.

00:-27:-19

5 Q. Who?

6 A. Conversation between Baran and myself.

7 Q. And are these translated from Turkish?

8 A. Yes.

9 Q. And how were you communicating with Baran in
10 Turkish at this time?

00:-27:-08

11 A. Using Google Translate.

12 Q. And what does he say in response to your
13 questions on November 3rd, 2014. If we go to the
14 next page.

00:-26:-54

15 A. To which question?

16 Q. You have said how are you and is the bank okay?

17 A. He says almost.

18 Q. And you're asking him when, how many weeks. What
19 is this referring to?

00:-26:-36

20 A. When the bank will be set up.

21 Q. Did you have any -- how was having the bank set
22 up in Turkey, how would that help you?

23 A. Um, I thought that I could get a letter of credit
24 to satisfy my contract with LifeTree.

00:-26:-19

25 Q. Did you ever do that?

1 A. No.

2 Q. All right. Let's scroll down. Next page. On
3 November 14th, 2014, what are you texting him?

4 A. I said that the government of USA will never
5 respond to BRSA.

6 Q. What does that mean?

7 A. BRSA, I believe, was the banking regulatory
8 authority in Ankara, and I told him that the
9 government wouldn't respond to that. I think they
10 were looking for a status in good standing from the
11 government.

12 Q. Were you under criminal investigation in '14?

13 A. Yes, I was.

14 Q. Under an IRS audit?

15 A. Yes.

16 Q. Did you have the EPA and NOV resolved?

17 A. No, it was not resolved.

18 Q. And what did you follow up with?

19 A. I continued to tell him I needed the money.

20 Q. Did he pay you?

21 A. No.

22 Q. Next page. In fact, before you go to the next
23 page, on the next day what did you say?

24 A. I asked if he could help.

25 Q. That's the same day up here, right?

1 A. Yes.

2 Q. What about November 15th?

3 A. I asked -- I told him that he needed to pay now.

4 Q. And did he pay?

00:-24:-42

5 A. No.

6 Q. All right. Let's go to 6-54.7. What did he tell
7 you in December 2014? Who are these texts with?

8 A. These again are with Baran and myself.

9 Q. And what does he represent to you in December
10 of 2014?

00:-24:-14

11 A. He says, "soon, I will pay back more than all
12 your money."

13 Q. 6-54.8. Can you go to that? A few days later
14 who are you texting with?

00:-23:-51

15 A. With Baran and myself.

16 Q. And what did he tell you on December 10, 2014?

17 A. He says the money you sent is \$643,000,000.00.

18 Q. What do you respond to him down below? So --

19 A. I asked him if this is Turkish lira.

00:-23:-26

20 Q. What did he say?

21 A. He says it was US dollars.

22 Q. How much had you sent to Turkey by December
23 of 2014?

24 A. Over \$50,000,000.00.

00:-23:-13

25 Q. And did you believe him when he told you it was

1 now worth 643,000,000 US dollars?

2 A. No, I didn't.

3 Q. Did you ever get any of it back?

4 A. No.

00:-22:-57 5 Q. Who is Brad Dennis?

6 We can take that down, Ms. Bonney. Thank
7 you.

8 A. Brad Dennis started out to be my Turkish
9 instructor.

00:-22:-47 10 Q. You were learning to speak Turkish?

11 A. Yes.

12 Q. Why?

13 A. So that I could do business and communicate with
14 Baran.

00:-22:-41 15 Q. And how far along did you get with Mr. Dennis?

16 A. Not very far.

17 Q. Did you hire him?

18 A. Yes, I did.

19 Q. Not just to be an instructor but in any other
00:-22:-28 20 capacity?

21 A. Yes.

22 Q. What?

23 A. He was -- he was hired on as a project manager.

24 Q. What was -- what project was he managing?

00:-22:-17 25 A. He really didn't have an assignment. Can I

1 explain?

2 MR. GERAGOS: Objection, nonresponsive.

3 Q. (By Mr. Rolwing) No, just answer my questions,
4 please, Mr. Kingston.

00:-22:-02

5 A. I'm sorry.

6 Q. Did Mr. Dennis ever travel to Turkey?

7 A. Yes, he did.

8 Q. On your behalf?

9 A. Yes.

00:-21:-52

10 Q. Did he ever meet Baran?

11 A. Yes, he did.

12 Q. When?

13 MR. GERAGOS: There is an objection. Calls
14 for speculation and hearsay.

00:-21:-45

15 THE COURT: It lacks foundation at this
16 point. But you're asking him when some third-party
17 traveled, so you need to lay some foundation.

18 Q. (By Mr. Rolwing) Were you aware when Mr. Dennis
19 traveled to Turkey?

00:-21:-32

20 A. I know that he went to Turkey. I don't remember
21 the dates.

22 Q. And did he discuss his trip to Turkey with you
23 before going?

24 A. Yes.

00:-21:-21

25 Q. Did he know anything about Baran?

1 A. Yes, he did.

2 Q. Did he -- tell us about that conversation before
3 he went.

4 MR. GERAGOS: Objection, hearsay.

00:-21:-12 5 THE COURT: Sustained.

6 Q. (By Mr. Rolwing) Did you ever learn that he was
7 in Turkey?

8 A. Yes.

9 Q. Who contacted you about this?

00:-21:-02 10 A. Umut contacted me and -- or Levon contacted me.

11 Q. Let's look at 6-62.19. Who are these text
12 messages with?

13 A. With Levon and myself.

14 Q. What are the dates?

00:-20:-38 15 A. January 15th, 2015.

16 Q. What does he -- what does Levon text you on
17 January 15th, 2015?

18 A. He says, "call me, it is urgent. And he says
19 Brad Dennis."

00:-20:-21 20 Q. And?

21 A. He says do you know this guy or do you know him.

22 Q. And then what?

23 A. I responded and says, "yes, he is my teacher."

24 Q. Well, he texts you at 1:52 mountain standard
00:-20:-06 25 time?

1 A. Yes.

2 Q. Is your phone on mountain standard time?

3 A. Yes.

4 Q. And he still is texting you when? I need an

00:-19:-57 5 answer? What's the time there?

6 A. At 2:34.

7 Q. You haven't responded yet?

8 A. No.

9 Q. When did you respond?

00:-19:-49 10 A. 2:38.

11 Q. Okay. Next page. Did you talk to Levon?

12 A. Yes.

13 Q. Did you call him?

14 A. Yes.

00:-19:-31 15 Q. What did you discuss?

16 A. We discussed Brad Dennis.

17 Q. Who else contacted you on January 15th, 2015?

18 A. Umut.

19 Q. Let's look at 6-66.12. What time did Umut

00:-19:-04 20 contact you mountain standard time?

21 A. At 1:35.

22 Q. What did she say?

23 A. She says Brad carries a business card from UFS

24 and also in LinkedIn he writes that he worked for

00:-18:-51 25 you.

1 Q. And when did you respond to her?

2 A. At 2:45.

3 Q. Was that before or after you spoke with Levon?

4 A. Before -- or this was after I spoke to Levon.

00:-18:-39 5 Q. What did you tell Umut?

6 A. I says, do not show him anything, do not tell him
7 anything about me, Baran or Levon. Do not tell him
8 anything about our projects there. Just get rid of
9 him.

00:-18:-27 10 Q. You said Levon, does that text say Levon?

11 A. No. It says Aslan.

12 Q. What does it say? What does it say?

13 A. Aslan.

14 Q. Who is Aslan?

00:-18:-17 15 A. Aslan is Levon.

16 Q. And what did Umut respond to you?

17 A. She says actually "nothing." I did not mention
18 about Aslan. No projects. He mentioned you are
19 lucky, very short time you came to this point. And I
00:-17:-59 20 told you are generous and hard worker like Baran.

21 About SBK Holding I said we're making distressed
22 asset management so it is hard but profitable.
23 Nothing else.

24 Q. We're now in 2015. You can take that down,

00:-17:-39 25 Ms. Bonney. Thank you.

1 Was there any change in the tax credit law in
2 2015?

3 A. Yes.

4 Q. What was it?

00:-17:-27 5 A. It got reinstated and retroactive for 2014.

6 Q. And did you discuss that with anybody?

7 A. Yes, I did.

8 Q. Who?

9 A. With Levon.

00:-17:-17 10 Q. And what did you discuss?

11 A. We talked about how we were going to claim in
12 2015.

13 Q. Where did you make -- have these discussions?

14 A. We talked about it in Commerce.

00:-17:-03 15 Q. Did you travel to Commerce in January of 2015?

16 A. Yes.

17 Q. How many times?

18 A. I don't remember.

19 Q. More than once?

00:-16:-54 20 A. Yes.

21 Q. Did you learn of anything that caused you any
22 concern about the 2000 -- well, what was the plan you
23 discussed with Mr. Termendzhyan?

24 A. For 2015?

00:-16:-27 25 Q. In January of 2015 what was the plan?

1 A. Um, that we was going to double the claim for
2 2015 that we did in 2013, that we did not need to
3 have physical rotation for 2015 claims.

4 Q. Had you rotated product with Deryl Leon's
5 companies in 2014?

6 A. No.

7 Q. Had you bought more fuel in 2014?

8 A. No.

9 Q. Had you produced any biodiesel at Washakie's
10 plant in Plymouth, Utah?

11 A. Yes.

12 Q. How much?

13 A. Roughly 5,000,000 gallons.

14 Q. Did you have any legitimate toll processors
15 producing biodiesel on Washakie's behalf?

16 A. Yes.

17 Q. Who?

18 A. We had a group out of Texas.

19 Q. How much -- how many gallons, approximately?

20 A. I don't remember --

21 Q. Okay.

22 A. -- how many gallons.

23 Q. Did you discuss what -- how much you might file
24 for the year 2014 with anyone?

25 A. Yes.

1 Q. Who?

2 A. With Levon.

3 Q. And did you -- did you write anything down about
4 this?

00:-15:-04

5 A. Yes.

6 Q. What do you remember?

7 A. I remember that Levon first wanted to do
8 50,000,000 gallons per month and for twice the amount
9 of months. Um, and that's when we went down and
10 discussed it.

00:-14:-45

11 Q. Who is we?

12 A. Levon and I went -- I went to Commerce and Levon
13 and I discussed it. And we -- I told him that it
14 would not be physically feasible to do that much.

00:-14:-29

15 And so, um, I told him that we should do the amounts
16 that we did the previous time in 2013 because that
17 was feasible because that was actually done, those
18 volumes were actually met. And --

19 Q. Those volumes were met means what?

00:-14:-12

20 A. That that volume was actually rotated.

21 Q. By who?

22 A. By Deryl.

23 Q. The volume, was it produced and blended into B99?

24 A. No.

00:-14:-01

25 Q. Just rotated?

1 A. Just rotated in the Gulf project.

2 Q. And were you -- how much per month did you claim
3 back in 2013?

4 A. Roughly 33,000,000 gallons a month.

00:-13:-49 5 Q. And were you paid those checks by the Department
6 of Treasury?

7 A. Yes.

8 Q. So what did you and Levon discuss you would do
9 for 2014?

00:-13:-40 10 A. We would have similar numbers, but twice the
11 amount of months.

12 Q. Do you recognize GX6-50?

13 A. Yes, I do.

14 Q. What is it?

00:-13:-18 15 A. This is a typewritten sheet that summarizes the
16 gallons. The gallons that Levon originally wanted to
17 do was roughly 50,000,000 gallons for five months.
18 And the chicken scratch is what I wrote when I was in
19 front of him in Commerce.

00:-12:-52 20 Q. You brought -- you had this document with you in
21 Commerce?

22 A. Yes.

23 Q. And whose handwriting is it?

24 A. It's mine.

00:-12:-41 25 Q. And who typed this up?

1 A. I did.

2 Q. And you brought it with you to Mr. Termendzhyan's
3 office?

4 A. Yes.

00:-12:-28 5 Q. What is reported on the first line?

6 A. The production that we produced in Utah.

7 Q. Nearly 5,000,000 gallons?

8 A. Yes.

9 Q. And what is the second line, Agro BioFuels?

00:-12:-15 10 A. Represents the total processing volume that we
11 had with the group in Texas.

12 Q. Was that legitimate?

13 A. Yes.

14 Q. And what is Catan?

00:-12:-05 15 A. Catan is Deryl's company.

16 Q. And so August, September, October, November and
17 December, are those all Catan?

18 A. Yes.

19 Q. How much would that be in total?

00:-11:-53 20 A. Roughly 250,000,000.

21 Q. And what did you write when you were discussing
22 this with Mr. Termendzhyan?

23 A. I reduced those numbers down, so the numbers that
24 we did previously.

00:-11:-37 25 Q. Previously means what?

1 A. In 2013.

2 Q. Okay.

3 A. And so that's the numbers that we did.

4 Q. And if you would -- are you referring to these
5 numbers here?

6 A. Yes.

7 Q. And what did those add up to if you -- after the
8 reduction?

9 A. 163 million point three five.

10 Q. And what does this number signify?

11 A. That adds on the 4.9 and the 1.5.

12 Q. These numbers (indicating)?

13 A. Yes.

14 Q. Where do those numbers come from?

15 A. Those are the actual production numbers.

16 Q. How does the 532 become 1.532 here?

17 A. I don't remember that.

18 Q. And were there costs?

19 A. Yes, we still bore the costs.

20 Q. What were the costs listed here in your
21 handwriting?

22 A. The tank leases were still under contract for --

23 Q. How much were the costs, roughly, by your
24 calculation in your handwriting?

25 A. Roughly 21,000,000.

1 Q. And so what is this number (indicating)?

2 A. That is 163 minus the 21,000,000.

3 Q. What is the significance of the 141,000,000?

4 A. That is the total number that would be available
00:-10:-02 5 to us.

6 Q. Then what was the agreement you had with
7 Mr. Termendzhyan?

8 A. That the boys would take half and Levon and I
9 would split the other half.

00:-09:-50 10 Q. Who were the boys?

11 A. It was Levon --

12 Q. I'm sorry.

13 A. It was Levon's boys. I don't know.

14 Q. And they would get half of this 141,000,000?

00:-09:-39 15 A. Yes.

16 Q. And you and Levon would split the other half?

17 A. Yes.

18 Q. Where was this document kept?

19 A. It was kept in my desk.

00:-09:-24 20 Q. And was there a search warrant executed at your
21 offices?

22 A. Yes.

23 Q. At any time?

24 A. Yes.

00:-09:-16 25 Q. Was this document seized?

1 A. Yes, it was.

2 THE COURT: If you're about to launch into a
3 new area, it might be a good time for our morning
4 break. Let's come back at 5 to 11.

00:-08:-51

5 MR. ROLWING: Perfect, Your Honor.

6 THE CLERK: Please stand for the jury.

7 (Jury left the courtroom.)

8 (Recess.)

9 THE COURT: Are we ready for the jury?

00:15:14

10 MR. GERAGOS: Yes, Your Honor.

11 MR. ROLWING: Yes, Your Honor.

12 MR. GERAGOS: Your Honor, do you anticipate
13 the break at 12:30?

00:17:11

14 THE COURT: Yes. I have been trying to do
15 the morning break around 10:40, 10:45, and then go
16 until 12:30 for lunch.

17 MR. GERAGOS: Okay.

18 THE COURT: Does that work for you?

19 MR. GERAGOS: Yeah, that is good for us.

00:17:21

20 THE COURT: I was just -- I have been trying
21 to figure out how to get relatively equal blocks of
22 time.

23 THE CLERK: All rise for the jury.

24 (Jury returned to the courtroom.)

00:19:07

25 THE COURT: You may proceed, Mr. Rolwing.

1 MR. ROLWING: Thank you, Your Honor.

2 Q. (By Mr. Rolwing) We had 6-50 -- 6-50 up on the
3 screen when we stopped, Ms. Bonney.

4 I think we were down here at the bottom.

00:19:31 5 What did the 70.7575 number signify, Mr. Kingston?

6 A. That was half of the 140 -- 141.

7 Q. To whom was that going to be paid?

8 A. To the umbrella.

9 Q. And what is the number next to that?

00:19:47 10 A. The 98.

11 Q. What does it say?

12 A. 98.02.

13 Q. Thank you. Let's move on to where -- again,
14 where were you when you handwrote these?

00:20:04 15 A. I was in Commerce, California.

16 Q. Anybody else with you?

17 A. I was with Levon.

18 Q. Anybody else?

19 A. No.

00:20:12 20 Q. Did you have an understanding then when you left
21 Commerce how the boys would get the 70,000,000?

22 A. No, I didn't.

23 Q. Did you travel anywhere in February 2015?

00:20:43 24 A. I don't remember. If I could look at my travel
25 documents I could be reminded.

1 Q. Look at 6-100.3. Is it still up there?

2 A. Yes. Yes, I did.

3 Q. Where did you go?

4 A. I went to Long Beach on the 1st of February '15.

00:21:04 5 Q. And anywhere else in February?

6 A. I went to Las Vegas on the 16th of February.

7 Q. Let's look at 6-100.1 just for the witness, and
8 page -- maybe 11, 12. Next page. Keep going until
9 we get -- I'm sorry, we're now in 15. It is Page 11.

00:21:47 10 What is six -- well what is 6-100.1.

11 A. This is a summary of all of my travel.

12 Q. And how has this differed from 6-100.3?

13 A. The difference is 6-100.3 is what I highlighted
14 as what we -- what I thought was Levon related.

00:22:11 15 MR. GERAGOS: I'm sorry, Levon had --

16 THE COURT: It says, "the difference is
17 6-100.3 is what I highlighted as what we -- what I
18 thought was Levon related."

19 MR. GERAGOS: Thank you.

00:22:24 20 THE COURT: And now this -- this has not been
21 admitted, am I right? Or it has been but it is not
22 being shown to the jury?

23 MR. ROLWING: Not at this time, Your Honor.

24 THE COURT: Okay.

00:22:32 25 Q. (By Mr. Rolwing) Are there other trips in early

1 February listed on 6-100.1?

2 A. Yes.

3 Q. Where?

4 A. To McCown, Texas.

00:22:47 5 Q. And what about February 6th through the 8th?

6 A. Las Vegas.

7 Q. And what happened in Las Vegas every February?

8 A. WPMA.

9 Q. What is the WPMA?

00:23:04 10 A. Western Petroleum Marketing Association
11 conference.

12 Q. And what is the Western Petroleum Marketing
13 Association?

14 A. It is where fuel distributors and buyers come and
00:23:17 15 have a conference.

16 Q. Did you attend?

17 A. Yes.

18 Q. Did you attend every year?

19 A. Yes.

00:23:25 20 Q. Did the defendant attend?

21 A. Yes.

22 Q. Is this trip from February 6 to 8th to Las Vegas
23 listed on 6-100.3 as Levon Termendzhyan related?

24 A. No.

00:23:47 25 Q. Did you meet with Levon in February of 2015 at

1 the WPMA?

2 A. Yes.

3 Q. Let's look at 6-62.18. Do you recognize this,
4 these text messages?

00:24:07 5 A. Yes.

6 Q. Who are they with?

7 A. Between Levon and myself.

8 Q. What is Levon asking you on February 6th, 2015?

9 A. What time will I be in.

00:24:17 10 Q. And then what?

11 A. It says, what time will you be in? He says be
12 here at 7:15.

13 Q. And where is "here," do you remember?

14 A. It was in Las Vegas.

00:24:40 15 Q. So did you meet with the defendant when you
16 arrived in Las Vegas on February 6th, 2015?

17 A. Yes.

18 Q. Why didn't you select this trip as one that was
19 Levon Termendzhyan related from 6-100.1?

00:24:59 20 A. When I looked at it, I saw that I had Sally with
21 me. I didn't think that it was a Levon related trip
22 when I reviewed it.

23 Q. Looking at these text messages, what effect does
24 that have on your statement whether this is a Levon
00:25:17 25 related trip or not?

1 A. This reminds me that I did meet with Levon on
2 that trip.

3 Q. Do you -- did you have any difficulty remembering
4 the dozens and dozens of trips you took with Levon
5 Termendzhyan?

6 MR. GERAGOS: Objection, leading.

7 THE COURT: Sustained.

8 Q. (By Mr. Rolwing) What do you text him, to Levon,
9 on February 8th, 2015?

10 A. I said my uncle is crazy.

11 Q. Who is your uncle?

12 A. I was referring to Paul Kingston.

13 Q. And why were you texting this to
14 Mr. Termendzhyan?

15 A. At the time then I think Isaiah told me that
16 someone was expecting us to bring in a lot of money.

17 Q. Weren't you discussing bringing in a lot of money
18 with the defendant?

19 A. Yes, I was.

20 Q. And what do you -- what did your -- what did
21 Mr. Termendzhyan respond to this text? Next page.

22 A. He says he has or he wanted.

23 Q. What are you guys talking about?

24 A. The money that was expected that I would bring
25 in.

1 Q. And what does Mr. Termendzhyan tell you to do?

2 A. Says you have to keep your mouth shut and don't
3 give them too much information.

4 Q. Who is them?

00:26:50 5 A. My family.

6 Q. What's his next text?

7 A. He says these days don't come back.

8 Q. What did you understand that to mean?

9 A. That means the tax credit.

00:27:04 10 Q. And then what did he say?

11 A. He says he still owes money, remember?

12 Q. Who is he?

13 A. He is referring to my uncle.

14 Q. Your Uncle Paul?

00:27:14 15 A. Yes.

16 Q. What did you understand Mr. Termendzhyan to mean
17 when he told you that your Uncle Paul still owed
18 money, remember?

00:27:28 19 A. For the protection that he offered on his grand
20 jury investigation.

21 Q. The one you texted him about back in July of '14?

22 A. Yes.

23 Q. Next page -- or next text. What did you respond?

24 A. Okay.

00:27:44 25 Q. And what else?

1 A. Yes, he accepted it.

2 Q. Accepted what?

3 A. The help.

4 Q. And then what?

00:27:50 5 A. He is going to kill the goose that lays the eggs.

6 Q. Who is the he you're referring to?

7 A. Um, I was referring to my family.

8 Q. And who is the goose?

9 A. Me.

00:28:01 10 Q. Next page. What does Mr. Termendzhyan then tell
11 you?

12 A. He says, tell him me and you very big project, we
13 need all of the money we can.

14 Q. And what did you respond?

00:28:20 15 A. I says he doesn't know anything on amounts but he
16 thinks anything we get is ours and it's profit. I
17 told him it's very small part is ours, and we already
18 spent it on the crush plant and it may not even come
19 until August.

00:28:41 20 Q. And then what?

21 A. And he needs to cover what he owes.

22 Q. Did you tell your uncle a very small part of the
23 tax credit was yours?

00:28:56 24 A. I never had a conversation with my uncle about
25 the tax credit.

1 Q. Why did you tell Levon you did?

2 A. I don't know why I told him that.

3 Q. What did he respond to you?

4 A. He says tell him it's mine and yours.

00:29:10 5 Q. Whose was this tax credit?

6 A. It was mine and his.

7 MR. GERAGOS: Objection. Withdrawn.

8 Q. (By Mr. Rolwing) And what then does he say?

9 A. He says perfect, keep it like that.

00:29:24 10 Q. What's he referring to there?

11 A. He is referring to what I said, that he needs to
12 cover what he owes.

13 Q. And what did you say in response to his direction
14 to you to tell him it's mine and yours?

00:29:42 15 A. That it's -- no, I'll tell him it is yours and
16 Baran's.

17 Q. And what is the emoji next to that?

18 A. It looks like a wink.

19 Q. Why did you put that wink next to this text you
00:29:54 20 sent Mr. Termendzhyan?

21 A. I don't remember why I put that -- that there.

22 Q. Did you tell anybody that the tax credit was
23 Levon's and Baran's?

24 A. No.

00:30:11 25 Q. What does Mr. Termendzhyan respond?

1 A. He says let them worry about his own problems.

2 It is very easy.

3 Q. And the next page, Ms. Bonney. What is the date
4 of all of these text messages? Still February 8th?

00:30:30 5 A. February 8th, 2015.

6 Q. And what did you respond to his statement about
7 let them worry?

8 A. It says what would the boys do if he doesn't?
9 They did it as a favor to me, not him.

00:30:46 10 Q. What does that mean?

11 A. Referring to the help that was given.

12 Q. Who were the boys?

13 A. The protection that Levon had offered.

14 Q. And what had they done as a favor to you and not
00:30:59 15 him? Who is the him?

16 A. Talking about my uncle and his grand jury
17 subpoena.

18 Q. And what would the boys do if he doesn't? What
19 would the boys do to what or to who? What are you
00:31:17 20 asking?

21 A. To my uncle.

22 Q. And what does he respond?

23 A. With an emoji of be quiet.

24 Q. And 30 seconds later what does he text?

00:31:31 25 A. He says call the other one.

1 Q. Call the other one means what?

2 A. Call the burner phone.

3 Q. You're texting him on his phone. What kind of
4 phone?

00:31:41 5 A. His iPhone.

6 Q. And he is telling you call another phone?

7 A. Yes.

8 Q. And what did you respond?

9 A. That I understand.

00:31:51 10 Q. And then what does he ask?

11 A. He asks if I'm alone.

12 Q. Why would that be important?

13 A. That it was important that we talk -- that I'm
14 alone when we talk.

00:32:03 15 Q. About what?

16 A. About the boys and anything to do with the
17 project.

18 Q. Were you alone?

19 A. No.

00:32:10 20 Q. You were where?

21 A. I was on a plane to New Orleans.

22 Q. Let's go back, Ms. Bonney. Next page.

23 Who were you with?

24 A. I was with Sally.

00:32:30 25 Q. Where were you going?

1 A. I was going to a Jazz basketball game in New
2 Orleans.

3 Q. After you told him that, what did he say?

4 A. He says, I have told you last time just tell me
5 the word.

6 Q. What did you understand that to mean?

7 A. That Levon indicated he had the ability or the
8 power to put my uncle in jail.

9 Q. And what does I told you last time mean?

10 A. That he has told me that before.

11 Q. Had he told you that before?

12 A. Yes.

13 Q. Bottom half of the page. What did you respond?

14 A. I understand.

15 Q. And then what did he say?

16 A. He says he needs to finish his problem. Trust
17 me, if it wasn't for you then bye-bye.

18 Q. Trust me what?

19 A. He says trust me, if you -- if you wasn't you,
20 bye-bye.

21 Q. What did you understand that to mean?

22 A. That if it wasn't for me and our friendship, then
23 he would go bye-bye.

24 Q. Who is he?

25 A. My uncle would go to jail.

1 Q. And did you believe that?

2 A. At the time, yes.

3 Q. And the last text he sent you on February 8th
4 there?

00:33:54 5 A. He says he needs to understand one thing, and
6 everyone in your family, you're in charge, this is
7 where it ends.

8 Q. Could you talk openly in front of Sally or others
9 on the plane about what you and Levon were saying?

00:34:14 10 A. No.

11 Q. Next page is February 11th. A couple of days
12 later.

13 A. Yes.

14 Q. Before we get there, why would your Uncle Paul
00:34:44 15 expect you to turn in any money from the tax credits?

16 A. Um, I didn't have that discussion with him.

17 Q. But that is what you're discussing with Levon on
18 February 8th, aren't you?

19 A. Yes. Yes.

00:35:01 20 Q. Why does your Uncle Paul expect to get some
21 portion of the tax credit?

22 A. The standard practice in my family.

23 Q. Which is what?

24 A. To turn in our increases.

00:35:12 25 Q. Your increases?

1 MR. GERAGOS: I'm sorry, turn in --

2 THE COURT: To turn in our increases.

3 Q. (By Mr. Rolwing) What does that mean?

4 A. That means make available any increases.

00:35:23 5 Q. Make available what?

6 A. Any of our increases.

7 Q. What are increases?

8 A. Any money that is available.

9 Q. And how much of your increases are you supposed
00:35:33 10 to make available?

11 A. However much we saw fit that was available.

12 Q. Did your Uncle Paul know about the scheme with
13 Levon Termendzhyan and Deryl Leon?

14 A. No.

00:35:49 15 Q. Did your Uncle Paul's legal troubles have
16 anything to do with the scheme with the defendant and
17 Deryl Leon?

18 A. No.

19 Q. So on February 11th, what do you text Levon?

00:36:12 20 A. I ask him for his new number.

21 Q. What does that mean? You're texting his phone?

22 A. Yes, I'm texting for the number for his new
23 burner phone.

24 Q. Did he give it to you?

00:36:21 25 A. Yes.

1 Q. And then on February 11th, after he gave you this
2 number, what did you say?

3 A. Thanks for your help.

4 Q. And what does he send you on the 11th and 12th?

00:36:36 5 A. It looks like a peace sign.

6 Q. And then what?

7 A. He says we are the best.

8 Q. Can you blow up this (indicating), Ms. Bonney?

00:36:52 9 On February 12th, 2015, what does he text
10 you?

11 A. He says we are the best.

12 Q. What are those emojis?

13 A. It looks like a fist bump, thumbs-up and
14 clapping.

00:37:01 15 Q. What did you do on February 12th, 2015,
16 Mr. Kingston?

17 A. I don't remember.

18 Q. When did you file the claim for 2014?

19 A. It was in '15.

00:37:17 20 Q. What month?

21 A. It was probably in February.

22 Q. What day?

23 A. I don't remember.

24 Q. Let's look at Government Exhibit 1-1, Page 2.

00:37:32 25 When did the IRS receive the claim for 2014,

1 Claim 37?

2 A. February 12th, 2015.

3 Q. The same day as the fist bump text?

4 A. Yes.

00:37:44

5 Q. And how much was the claim for?

6 A. 170,000,000.

7 Q. How did that compare to all of your prior claims?

8 A. It was the largest by far.

9 Q. Was this consistent or inconsistent with

00:38:03

10 Government Exhibit 6-50, your handwritten notations
11 about this claim?

12 A. This is consistent.

13 Q. Let's look at 6-66.22. Before you do that,
14 Ms. Bonney, let's go back.

00:38:34

15 These are text messages. What day?

16 A. March 4th, 2015.

17 Q. And how about the pictures of the baby?

18 A. Yes, those are my babies.

19 Q. Those are your babies?

00:38:47

20 A. Yes.

21 Q. Who were you sending the pictures to?

22 A. To Levon.

23 Q. And what else do you send to Levon after you send
24 the pictures of the babies?

00:38:56

25 A. I ask a question, Liev.

1 Q. What does that mean?

2 A. I asked him what he thought of the name of Liev.

3 Q. Did you name one of your sons Liev?

4 A. Yes, I did.

00:39:06

5 Q. After who?

6 A. I liked the name and it was after Levon.

7 Q. March 4th, 2015, what did he text you? Do you
8 recognize that?

9 A. Yes.

00:39:21

10 Q. What is it?

11 A. It is wiring instructions.

12 Q. Let's go to Page 2 of this exhibit. Can you blow
13 that up, Ms. Bonney? Just the top half right here
14 (indicating).

00:39:47

15 Why is Mr. Termendzhyan texting you a picture
16 of wire instructions to Versal and what is all of
17 this about?

18 A. This is a title company for the beach house.

19 Q. What is the beach house?

00:40:02

20 A. This is the house that Levon bought in Huntington
21 Beach.

22 Q. And what amount is being asked to wire to Versal?

23 A. \$50,000.00.

00:40:41

24 MR. ROLWING: Your Honor, this is -- this has
25 been provisionally admitted. It is on. I believe

1 Ms. Schaerrer has not displayed this.

2 THE CLERK: I have a question on it. I'm
3 just verifying something, I'm sorry.

00:41:03

4 MR. ROLWING: Okay. If we could have a
5 sidebar, I could explain if there is an issue.

6 THE COURT: So what exhibit was just up?

7 MR. ROLWING: The exhibit for the witness
8 right now is 6-22 -- I'm sorry 6-62.22.

00:41:35

9 THE COURT: And on our sheet, there is one
10 that says 6-62.2 old, and then 6-62.22.2 "new" or
11 "now." Which one is up? The old one? The one that
12 is marked old or the one that's marked now?

13 MR. ROLWING: The one that is up is what is
14 now marked 6-62.22, which was the old 6-62.22.2.

00:42:00

15 MR. GERAGOS: I have no idea what is going
16 on.

17 MR. ROLWING: Could we have a sidebar?

18 THE COURT: Yes.

19 (Sidebar conference.)

00:42:15

20 MR. ROLWING: This is --

21 THE COURT: Okay. Wait until everyone gets
22 here.

00:42:32

23 MR. ROLWING: This is my mistake. In the
24 original marking of these exhibits, which we
25 corrected by the time of the exhibit hearing, so what

1 we're showing is 6-62.22 which is the old 6-62.22.2.
2 So it is this exhibit. It was broken up into three
3 before and it all got consolidated into this one
4 which is what those two say. We withdrew those
00:42:55 5 because they're all part of 6-62.22.

6 MR. GERAGOS: What has the jury been shown?

7 THE COURT: They haven't seen this yet.

8 MR. GERAGOS: Okay. And then you just asked
9 him about all of this?

00:43:04 10 MR. ROLWING: Yes.

11 MR. GERAGOS: You have asked him on the new
12 document or this document?

13 MR. ROLWING: The new document, 6-62.22,
14 which was already marked this at the time of this
00:43:16 15 exhibit.

16 THE COURT: But the jury has not seen any of
17 it.

18 MR. ROLWING: Right. Right.

19 THE COURT: Okay.

00:43:20 20 MR. GERAGOS: Until I -- is there a way that
21 we can move on and then I can take a look at this
22 during the lunch break so I can understand. Because
23 I'm not tracking any of this.

24 MR. ROLWING: This is done now because this
00:43:33 25 is just an exhibit that has already been

1 provisionally admitted. It was formerly called,
2 before it was provisionally admitted, this .2 number.
3 But then when it was provisionally admitted it was
4 called 6-22 --- 6-62.22. And that's what it is.

00:43:50 5 MR. GERAGOS: Is it still this, 6-62.22.

6 MR. ROLWING: Yes.

7 MR. GERAGOS: So what are you saying what it
8 used to be?

9 MR. ROLWING: When we first disclosed that to
00:44:00 10 you way back when.

11 MS. GOEMAAT: Just call it a different number
12 in the hearing. It is just -- it is all accounted
13 for in the Court's order. At the hearing we talked
14 about it and it had a different number. You have the
00:44:09 15 correct one now but when we talked about it at the
16 hearing it was 6-62.22.2 and it was renumbered but it
17 was -- we already discussed it at the hearing so now
18 it is called 6-62.22 but it got a provisional
19 admittance.

00:44:26 20 There was some consolidation which is all
21 that was explained in the notes column and the Court
22 provisionally admitted it.

23 MR. GERAGOS: You're saying it is the same
24 document but a different number.

00:44:40 25 THE COURT: Different number.

1 MS. GOEMAAT: But you have the -- it was a
2 different number on --

3 MR. GERAGOS: I'm just asking. Is this what
4 you showed him?

00:44:46 5 MS. GOEMAAT: Yes.

6 MR. ROLWING: Yes.

7 MR. GERAGOS: Okay. What you showed him, is
8 this enlarged?

9 MR. ROLWING: Exactly.

00:44:51 10 MR. GERAGOS: Okay.

11 MS. GOEMAAT: That is the current --

12 MR. GERAGOS: So now you want to publish it?

13 MS. GOEMAAT: Yes.

14 MR. GERAGOS: And the problem is that you
00:44:59 15 were referencing it --

16 MR. ROLWING: No, there is no problem.

17 MS. GOEMAAT: There is no problem.

18 MR. ROLWING: On the record.

19 THE COURT: I think that there -- I think

00:45:06 20 Ms. Schaerrer -- I think we're here because

21 Ms. Schaerrer was confused because she saw that there
22 were different versions of that and wanted to make
23 sure that she didn't inadvertently show anything to
24 the jury that hasn't been provisionally admitted.

00:45:21 25 She is being very careful.

1 MR. ROLWING: Okay. Thank you.

2 MS. GOEMAAT: Thank you, Your Honor.

3 MR. GERAGOS: Okay.

4 (Sidebar conference concludes.)

00:45:42 5 THE COURT: Sorry for the confusion, members
6 of the jury. As you know, there are many exhibits in
7 this case and it is sometimes hard for us to keep
8 track of which ones I have admitted and which ones I
9 haven't ruled on, and that is what we were trying to
00:45:54 10 sort out.

11 You may proceed, Mr. Rolwing.

12 Q. (By Mr. Rolwing) Could we display it to the jury
13 or has it been? Let's go back to the first page of
14 the exhibit. Are these pictures of sons of yours
00:46:09 15 that were born in February of 2015?

16 A. One is a boy and one is a girl, yes.

17 Q. And one was named after the defendant?

18 A. Yes.

19 Q. And on March 4th, did Mr. Levon Termendzhyan text
00:46:22 20 you anything?

21 A. Yes.

22 Q. What was it?

23 A. Wire information.

24 Q. Any message about this that accompanied this
00:46:31 25 text?

1 A. No.

2 Q. Just this picture?

3 A. Yes.

4 Q. Did you know what to do?

00:46:34 5 A. Yes.

6 Q. Why?

7 A. We had a conversation.

8 Q. Who did?

9 A. Levon and I.

00:46:38 10 Q. And the next page, just this part again

11 (indicating). What was the picture he sent you?

12 A. The wiring instructions to send \$50,000.00 to the
13 title company.

14 Q. And did you know what this \$50,000.00 was for?

00:46:59 15 A. Yes.

16 Q. What was it for?

17 A. It was for earnest money to close on the beach
18 house.

19 Q. And what did you know about the beach house?

00:47:08 20 A. That it was the beach house that we paid for for
21 the protection.

22 Q. Who is "we"?

23 A. That I paid for.

24 Q. And protection of whom?

00:47:26 25 A. For my uncle.

1 Q. What did you do with this picture?

2 A. I sent it to Isaiah.

3 Q. What did he do?

4 A. He wired this money.

00:47:37 5 Q. Who was the beach house for?

6 A. It was for Levon.

7 Q. Have you ever been there?

8 A. Yes, I have.

9 Q. What did you and Levon -- did you have any names
00:47:56 10 for this house other than beach house?

11 A. We called it the beach house, we called it the
12 Obama House.

13 Q. Why the Obama House?

14 A. Because it relates to the Obama tax credit or the
00:48:07 15 tax credit that was signed by President Obama.

16 Q. Did the IRS pay Washakie Renewable Energy this
17 \$170,000,000.00 claim that you filed on February 12,
18 2015?

19 A. Yes, they did.

00:48:30 20 Q. How much did Washakie -- how much did the
21 Department of Treasury pay?

22 A. Um, I think that was 168 and change.

23 Q. Something less than 170?

24 A. Yes.

00:48:46 25 Q. Why?

1 A. Because our IRS audit had been resolved and we
2 had been assessed -- our assessment went down from
3 100,000,000 to 5,000,000 and they took out 5,000,000.

00:49:05 4 Q. How much had Washakie Renewable Energy produced
5 or blended in 2014?

6 A. Roughly five and a half million gallons.

7 Q. And how -- and what did you do when you -- did
8 you receive these checks or the payment from the IRS?

9 A. Yes, I did.

00:49:23 10 Q. Was it one check for more than \$160,000,000.00?

11 A. No, it was two checks.

12 Q. What did you do with the checks?

13 A. I cashed them.

14 Q. Can you look at Government Exhibit 6-202. Do you
00:49:48 15 recognize this picture?

16 A. Yes.

17 Q. What is it?

18 A. Pictures of the two checks.

19 Q. Who took pictures of these checks?

00:49:55 20 A. I did.

21 Q. Is the picture drawn from your phone?

22 A. Yes.

23 Q. On March 16, 2015?

24 A. Yes. Yes.

00:50:06 25 Q. What is the date of the checks?

1 A. March 12th, 2015.

2 Q. And how much are these checks?

3 A. \$82,102,840.90.

4 Q. Each?

00:50:24

5 A. Each.

6 Q. When did you deposit these checks?

7 A. The day that I got them.

8 Q. How did you receive these checks?

9 A. In the post, in my PO Box.

00:50:46

10 Q. US Mail?

11 A. Yes.

12 Q. Who did you tell that you got two checks for

13 \$82,000,000.00 in your mail on March -- March of '15?

14 A. I sent this picture to Levon and I told Isaiah.

00:51:04

15 Q. Let's go to your text messages with your brother,

16 Government Exhibit 7-1, Page 21. What is the text on

17 March 4th, 2015 you sent your brother Isaiah?

18 A. It is a copy of the wiring instructions for the

19 title company.

00:51:33

20 Q. And the next page, on March 16th, what does

21 Isaiah text you?

22 A. He says, the bank just called. I asked what did

23 they say. He says, I said I needed 20 ASAP. He said

24 it would be available on Thursday but to call him

00:51:58

25 first.

1 Q. Is that \$20.00?

2 A. No.

3 Q. 20 what?

4 A. 20,000,000.

00:52:03 5 Q. And the next page, what is he telling you?

6 A. He says it messes up their quarterly reports to
7 have that much cash and he wants it all gone before
8 the end of the month.

9 Q. Who wants it all gone?

00:52:27 10 A. The bank does.

11 Q. What did you respond?

12 A. I says are they going to tell Paul?

13 Q. Did he respond?

14 A. No.

00:52:35 15 Q. What did you then say?

16 A. I says I talked to Levon, I'm going down tomorrow
17 to discuss the plan.

18 Q. Did you go down to visit Levon to discuss the
19 plan?

00:52:45 20 A. Yes, I did.

21 Q. Where did you go after March 16th, 2015?

22 A. I went to Commerce, California.

23 Q. And the next page. On March 19th, what did you
24 text your brother?

00:53:07 25 A. I says, "Call Edgar and get an SBK account. Send

1 8.55 million."

2 Q. Who is Edgar?

3 A. Edgar was Levon's attorney and head of the Pillar
4 Law Group.

00:53:22 5 Q. And where did you get this information?

6 A. I got it from Levon.

7 Q. And why this amount?

8 A. I don't know why he sent me that amount.

9 Q. And what SBK account are you referring to, one in
00:53:35 10 Turkey or one in the US?

11 A. No, the one in the US.

12 Q. Why were you concerned about the bank telling
13 your Uncle Paul about this money?

14 A. Because they had disclosed information about our
00:53:48 15 accounts to Paul in the past.

16 Q. The bank had?

17 A. Yes.

18 Q. Did you want your Uncle Paul to know about this
19 \$164,000,000.00?

00:53:58 20 A. No.

21 Q. Did you send -- have Isaiah send 8.55 million to
22 the SBK account in California?

23 A. Yes.

24 Q. What was the purpose of this payment?

00:54:17 25 A. I'm sorry. What was your question?

1 Q. What was the purpose of this payment?

2 A. I don't know.

3 Q. Did you and the defendant discuss any -- did you
4 discuss with the defendant the remaining amount of
5 this \$164,000,000.00 of checks?

6 A. Yes.

7 Q. Did you continue to travel to see the defendant
8 at this time?

9 A. Yes.

10 Q. How many trips approximately did you make in
11 March and April of 2015?

12 A. I don't remember. I would have to look at the
13 travel records.

14 Q. Well, let's look at April of 2015. If you will
15 look at 6-100.3, Page 11?

16 A. Yes.

17 Q. Where were you -- where did you travel in --
18 where did you come back from on April 4th?

19 A. Las Vegas.

20 MR. GERAGOS: Objection. That is improper
21 refreshing of memory.

22 THE COURT: Right. You need to ask him if he
23 recalls and just not have him read the document to
24 the jury.

25 Q. (By Mr. Rolwing) Do you recall traveling in

1 April of '15?

2 A. I do.

3 Q. Where did you travel?

4 A. I remember traveling to Belize. I remember
00:55:57 5 traveling to California.

6 Q. Who is Taumata Malungahu?

7 A. It was one of Levon's bodyguards.

8 Q. Did you ever travel with him?

9 A. Yes.

00:56:12 10 Q. And why?

11 A. Because he lived in Salt Lake. He was coming
12 home.

13 Q. Where were you coming from with this
14 Mr. Malungahu?

00:56:28 15 A. Las Vegas.

16 Q. Did you meet with the defendant in early April
17 2015 in Las Vegas?

18 A. Yes.

19 Q. Did you make any more payments to any of the
00:56:40 20 defendant's companies while you were there in Las
21 Vegas?

22 A. I don't remember if I did.

23 MR. GERAGOS: Could we also take down the
24 screen if it is on in front of the jury.

00:56:58 25 THE COURT: Okay. Yeah let's --

1 THE CLERK: It is not there. He is asking to
2 take it down for the witness.

3 THE COURT: Okay, I'm sorry.

00:57:11

4 MR. ROLWING: This exhibit has already been
5 admitted, Your Honor.

6 THE COURT: Well, I understand that but the
7 problem is it becomes very unclear when he is
8 testifying from his memory and when he is reading
9 from the exhibit. So that is the issue.

00:57:21

10 THE WITNESS: I have it in front of me as
11 well, Your Honor. Do you want me to --

12 THE COURT: Well, I just think that we need
13 to know what you recall and when you are reading from
14 the exhibits. So if you can try and be careful in
15 your answers that would be helpful.

00:57:31

16 THE WITNESS: I'll do that.

17 Q. (By Mr. Rolwing) Do you recall traveling with
18 one of Levon's bodyguards back to Salt Lake City?

19 A. Yes, I do.

00:57:47

20 Q. What project did you begin with this
21 \$160,000,000.00 that you had received in March
22 of '15, what project did you begin in April of '15?

23 A. I don't understand your question.

24 Q. How did you use this money?

00:58:07

25 A. The portion that I kept, we paid a lot of our

1 bills and we started the build out of our facility.

2 Q. What role did Deryl Leon play in any of those?

3 A. He didn't play any role in those.

4 Q. Did Deryl Leon play any role in this 160,000,000?

00:58:27

5 A. Yes.

6 Q. What?

7 A. We was behind in some of our payments because we
8 had to rotate the payments to justify the claim. So
9 we started that again.

00:58:41

10 Q. When did that start?

11 A. In April.

12 Q. Look at Government Exhibit 1-7. Do you recognize
13 this as a summary of financial transactions conducted
14 in April of 2015 between your company and two of
15 Mr. Leon's companies?

00:58:58

16 A. Yes.

17 Q. When does the cycling begin?

18 A. April 3rd.

19 Q. Where did -- when did you return from Las Vegas?

00:59:09

20 A. I think it was the 6th of April.

21 Q. And how much was cycled? How much was the corpus
22 cycled with Mr. Leon?

23 MR. GERAGOS: Objection. Once again he is
24 just reading from the document.

00:59:25

25 THE COURT: So, Mr. Kingston, did you recall

1 independently that you returned from Las Vegas on the
2 6th or were you getting that from the document?

3 THE WITNESS: I don't remember when I
4 returned from Las Vegas.

00:59:39

5 THE COURT: All right.

6 MR. GERAGOS: I would ask that the document
7 be put down because there is no --

00:59:48

8 THE COURT: The document is not on the
9 screen. Can I ask you to turn the one over, face
10 down, that is on the table there, and then that way
11 make it clear if you consult it.

12 THE WITNESS: Yes.

13 THE COURT: Okay.

01:00:00

14 Q. (By Mr. Rolwing) How much -- the question was,
15 Mr. Kingston, what was the corpus of the amount of
16 money that you rotated or cycled with Mr. Leon in
17 April of '15?

18 A. It was \$45,000,000.00.

19 Q. Approximately every wire?

01:00:13

20 A. Yes.

21 Q. And how long did this last?

22 A. Until the end of the month.

23 Q. So how much did you send to Deryl Leon or have
24 sent to Deryl Leon's Catan Company in April of 2015?

01:00:30

25 MR. GERAGOS: Now he is looking at the screen

1 in order to refresh his recollection I assume.

2 THE COURT: Right. So let's -- let's take it
3 down unless he needs it to refresh his recollection.

4 MR. ROLWING: Your Honor, could I have a
5 sidebar?

6 (Sidebar conference.)

7 MR. ROLWING: I don't believe there is
8 anything improper with my question, how much did he
9 cycle with Mr. Kingston -- with Mr. Leon in April
10 of 2015? He has reference to this document. He
11 can -- he can cross-examine him on whether he knows
12 the exact figure. This is a summary that he is very
13 familiar with and he is entitled to refer to
14 documents to testify to answer that question. He --

15 MR. GERAGOS: Look, he is right to the extent
16 that he says that there is nothing wrong with this
17 question. What is wrong with it, and what is
18 happening, and what I'm making a record of and I'm
19 going to continue, is he asks a question, the
20 document is on the screen, the witness is reading
21 from the document. If he wants the documents to
22 testify, put up the person who summarized them and
23 have them testify as a summary witness. I have never
24 seen anything like this.

25 THE COURT: Mr. Rolwing, I am concerned that

1 you are -- you're basically just taking all of your
2 summary documents that your agents are going to
3 testify to and you are having this witness read them
4 from the stand. If he has an independent

01:02:09 5 recollection of how much he cycled, that's fine. If
6 if he wants to testify that he reviewed a bunch of
7 documents and that he thinks this is correct, I
8 suppose he can do that. But you can't just throw
9 documents on the screen, ask him a question, have him
01:02:26 10 read from the screen as if it is coming from his
11 recollection as opposed to just reading the document.

12 MR. GERAGOS: And if I don't make a record, I
13 don't like having to object to your direct. If I
14 don't make a record it appears as if he is just
01:02:41 15 reciting this and the cold record does not reflect
16 what is actually happening.

17 THE COURT: Because you are just putting
18 things on the screen and that doesn't show on the
19 record.

01:02:51 20 MR. GERAGOS: You are putting me in an IAC
21 2255 position. I have read enough cases on 2255 to
22 know if there is a conviction and I haven't said a
23 thing, I have then got to sign a declaration after
24 the fact saying that I (inaudible) because I let it
01:03:03 25 all happen and I didn't object.

1 MR. ROLWING: We'll flesh it out, Your Honor.
2 I have already established that he is familiar with
3 this summary. I will flesh it out about his
4 independent recollection of these events, and I will
01:03:17 5 ask him questions about why this number was chosen.

6 THE COURT: That's fine. But, you know,
7 we're wasting an inordinate amount of time just
8 having him read documents that you -- that ought to
9 come in through your agents. I mean he is basically
01:03:32 10 just reading a bunch of exhibits that your agents
11 have prepared and I think that's problematic.

12 MR. ROLWING: And with all due respect, I
13 disagree that's what he is doing completely. I
14 disagree wholeheartedly that that is what is going
01:03:48 15 on.

16 THE COURT: Well, it appears to me that that
17 is what is happening.

18 (Sidebar conference concluded.)

19 Q. (By Mr. Rolwing) Mr. Kingston, did you speak
01:04:09 20 with Deryl Leon about cycling financial transactions
21 in April of '15?

22 A. Yes, I did.

23 Q. And how much was chosen and why?

24 A. That conversation, um, Isaiah had with Deryl.

01:04:26 25 Um --

1 Q. Were you familiar with it?

2 A. Yes, I was.

3 Q. Did you have a conversation with Isaiah about it?

4 A. Yes.

01:04:32

5 Q. And how much did you need to cycle and why?

6 A. We established the number at about \$40,000,000.00

7 to get the numbers that we needed done by the end of

8 the month.

9 Q. How much had you claimed in the filing you made

01:04:48

10 with the IRS in February of '15?

11 A. 170,000,000 gallons.

12 Q. And if you sold 170,000,000 gallons of B99 that

13 you had blended that were eligible for the tax

14 credit, how much would your books and records show

01:05:04

15 Washakie received from these sales?

16 A. About 550,000,000.

17 Q. How do you come up with that figure?

18 A. Roughly \$3 a gallon, 3.20.

19 Q. And did you cycle that amount with Mr. Leon?

01:05:20

20 A. Yes.

21 Q. Do you remember the exact amount?

22 A. I don't remember the exact amount.

23 Q. Have you been shown any financial transactions

24 and this summary in your preparation for this trial?

01:05:31

25 A. Yes.

1 Q. And is that consistent with your independent
2 memory of these events?

3 A. Yes.

4 Q. When did the cycling end?

01:05:49 5 A. At the end of the month.

6 Q. And where did you go when the cycling ended?

7 A. I don't remember where I went when the cycling
8 ended.

01:06:01 9 Q. Did -- where did you next travel with the
10 defendant?

11 A. I went to Belize.

12 Q. Would it help to refresh your memory -- do you
13 remember the exact dates that you traveled to Belize
14 in April of 2015?

01:06:11 15 A. I thought it was around the 15th.

16 Q. Would you look at 6-100.3 --

17 MR. GERAGOS: Well, there is no foundation
18 for that.

01:06:24 19 THE COURT: Well, I mean he just testified as
20 to his memory.

21 MR. ROLWING: And you think it was the 15th
22 of April?

23 THE WITNESS: Yes, I do.

01:06:47 24 Q. (By Mr. Rolwing) And let's look at six --
25 6-62.20. Do you recognize these text messages?

1 A. Yes.

2 Q. What is the date?

3 A. April 10th, 2015.

4 Q. April 10th of 2015. Who are you texting with?

01:07:16 5 A. Conversation I had with Levon.

6 Q. And what is the conversation about?

7 A. Um, that I am landing at 9:00 p.m. and he asks if
8 he wants to -- if I want him to pick me up.

01:07:36 9 Q. And what is this Greenbush Avenue, Van Nuys,
10 California address?

11 A. That is the airport, the Van Nuys -- or I'm
12 sorry, the address of the Van Nuys Airport.

13 Q. Are you in Belize or California?

14 A. California.

01:07:50 15 Q. Next page -- or go down to the bottom of the
16 page. Just in texts back and forth on the 17th,
17 let's go to the next page. And the next page what
18 does he text you on April 22nd, 2015?

19 A. It is a picture of the plane.

01:08:17 20 Q. What's the plane?

21 A. Of the private plane that he uses.

22 Q. And if we go to the next page, is that picture
23 blown up? Ms. Bonney? There is no next page?

01:08:37 24 Do you remember what the purpose of him
25 sending you this text of a picture of his private

1 plane was?

2 A. Yes. He had just put the SBK logo on the plane.

3 Q. All right. Let's go back. Can you bring up --

4 all right. And the next -- these texts down at the

01:09:21 5 bottom here (indicating).

6 A. Yes. He asked where I am. I said I'm still in

7 the air, I was delayed. Landing in five minutes.

8 Q. What date is this?

9 A. This is the 25th of April.

01:09:34 10 Q. And what did Mr. Termendzhyan respond to you?

11 A. He says okay, I'll send somebody to pick you up.

12 As soon as you land, text me.

13 Q. Is this the same trip or a different trip than

14 the one on April 10th you first texted him about?

01:09:49 15 A. This is a different trip.

16 Q. Where is this?

17 A. He is in Belize and I am on my way to Belize.

18 Q. So do these texts refresh your recollection of

19 when you traveled to Belize?

01:10:02 20 A. Yes.

21 Q. When did you travel to Belize?

22 A. On the 25th of April.

23 Q. Is there a next page to this, Ms. Bonney?

24 MS. BONNEY: No.

01:10:14 25 Q. (By Mr. Rolwing) Thank you. Did you meet the

1 defendant in Belize?

2 A. Yes, I did.

3 Q. Do you remember this trip?

4 A. Yes.

01:10:26 5 Q. Where did you meet him?

6 A. I met at the Radisson. That is where we stayed.

7 Q. Did you have separate rooms?

8 A. Yes.

9 Q. Who chose the Radisson?

01:10:39 10 A. Levon did. He was there before I got there.

11 Q. What did you do when you got there?

12 A. I remember waiting for him to be done. He was in
13 a meeting with -- with someone else outside.

14 Q. And where did you wait?

01:11:00 15 A. I waited by the pool.

16 Q. Did you ever get to meet with him?

17 A. Yes, I did.

18 Q. What did you discuss?

01:11:09 19 A. We talked about some of the payments that we were
20 going to send to Turkey.

21 Q. And how did that discussion go? Was it just the
22 two of you?

23 A. Yes.

24 Q. And what do you remember about the conversation?

01:11:21 25 A. That he told me where to send the money.

1 Q. How did he tell you?

2 A. He told me to send it to these locations and I
3 took a picture of the coordinates, the bank
4 coordinates, on his phone.

01:11:37 5 Q. What does that mean?

6 A. He had coordinates on the phone. I took a
7 picture of it.

8 Q. Can you look at Government Exhibit 6-207? Do you
9 recognize this?

01:11:54 10 A. Yes.

11 Q. What is it?

12 A. This is a picture that I took from his phone.

13 Q. You took a picture from his phone or of his
14 phone?

01:12:01 15 A. I took a picture of his phone.

16 Q. This is a picture that was on your phone, right?

17 A. Yes.

18 Q. What were you taking a picture of?

19 A. Of his phone.

01:12:11 20 Q. And what was on his phone that you were taking a
21 picture of?

22 A. These transfer coordinates.

23 Q. Where did those transfer coordinates come from?

24 A. I don't know.

01:12:21 25 Q. And how about 6-198? Let's look at 6-62.21. Do

1 you recognize these text messages?

2 A. Yes.

3 Q. Who are they with?

4 A. With Levon and myself.

01:12:56 5 Q. What are they dated?

6 A. 25th of April 2015.

7 Q. And where were you landing?

8 A. I was landing in Belize.

9 Q. Next page. Did you know where you were staying
01:13:16 10 before you traveled to Belize?

11 A. No.

12 Q. And who did you ask for the location?

13 A. I asked Levon which hotel.

14 Q. And the next -- next page, I think. Oh, no, the
01:13:35 15 next box. No, let's not do that one. Let's do the
16 circle. Who are you sending this to?

17 A. I am sending this to Levon.

18 Q. On what date?

19 A. The 29th of April.

01:13:55 20 Q. So we skipped some days; is that right?

21 A. Yes.

22 Q. Where did you get this document to send to Levon?

23 A. I got this from Isaiah.

24 Q. Were you texting Isaiah while you were with Levon
01:14:08 25 while you were in Belize?

1 A. Yes, I was.

2 Q. Let's look at some of those, 7-1, page 24. Next
3 page.

4 On April 1st, the box up here, Ms. Bonney.

01:14:32 5 Who are these text messages with?

6 A. With Isaiah and myself.

7 Q. And what do you tell him on April 26th, 2015?

8 A. I said start with the 15 and wait for confirm.

9 Q. And what did he say?

01:14:45 10 A. He says -- he asked me a question. He says send
11 15 first in the morning?

12 Q. And what do you send him below?

13 Can you go back to that, Ms. Bonney?

14 A. I send him the picture that I got off of Levon's
01:15:05 15 phone.

16 Q. Who took this picture?

17 A. I did.

18 Q. What are you taking a picture of?

19 A. I am taking a picture of Levon's phone.

01:15:12 20 Q. What is on Levon's phone?

21 A. The banking coordinates.

22 Q. And are these the same or different than the ones
23 we just saw in 6-27?

24 A. They're the same.

01:15:27 25 Q. Let's look at these. I believe they're in the

1 next page to this document -- or no, 7-1.4. Is this
2 a picture of that picture you sent to Isaiah?

3 A. Yes.

4 Q. What are the coordinates you're telling your
5 brother to send money too?

6 A. To the SETAP account in Turkey.

7 Q. Is that the same or different from the Komak
8 picture we just saw at 6-207?

9 A. They're different.

10 Q. Do you remember why they were different?

11 A. He said -- I don't remember why.

12 Q. Who were you discussing Komak and SETUP with
13 while you were in Belize?

14 A. With Levon.

15 Q. And when you told Isaiah to send 15, was it
16 \$15.00?

17 A. No, it was 15,000,000.

18 Q. All right. Let's go back to 6-62.21. No, I'm
19 sorry. 7-1, sorry, 7-1 Page 25.

20 After you send him this picture of the SETAP
21 wiring instructions on April 26th, what do you follow
22 it up with? This is -- and to whom is this sent?

23 A. This is a text from me to Isaiah that says needs
24 to show capital costs.

25 Q. Where did you get that information?

1 A. I got that from Levon.

2 Q. What was Levon doing while you were texting this
3 to Isaiah?

4 A. I don't remember.

01:17:28 5 Q. Next page. These are texts dated beginning the
6 next day, April 27th. What do you ask Isaiah?

7 A. I asked him if the funds went.

8 Q. And then what do you followup with?

9 A. I sent him more banking coordinates.

01:17:54 10 Q. Where did you get these banking coordinates?

11 A. This is a picture.

12 Q. Where did you get them?

13 A. I got them from Levon.

14 Q. And what did you tell Isaiah?

01:18:06 15 A. I said change of plans. Send to the second one,
16 USD account, just see if 35 can go.

17 Q. Why did you change the plans on April 27th?

18 A. Because Levon told me to change the plans.

19 Q. And can you read that picture you're sending him?

01:18:30 20 A. No.

21 Q. Can you look at 7-1.5. Is this the blowup of the
22 picture that you sent Levon Termendzhyan -- or you
23 sent Isaiah Kingston on April 27, 2015?

24 A. Yes.

01:18:52 25 Q. To whom were you directing Isaiah to wire 35?

1 A. To Isanne.

2 Q. What is Isanne?

3 A. I don't know.

4 Q. Where did you get this information?

01:19:02 5 A. I got it from Levon.

6 Q. Okay. Back to 7-1, Page 26. And he responded
7 what?

8 A. He asked if we should cancel the first one if it
9 hasn't gone yet.

01:19:30 10 Q. Did you respond to him? Let's go to the next
11 page.

12 A. I says tomorrow send 10, then 15 the next day.

13 Q. 35, then 10, then 15, how much does that total?

14 A. That is 70,000,000.

01:19:51 15 Q. 35, 10 and 15?

16 A. Sorry. That is 60.

17 Q. What does Isaiah respond, if anything? Oh, no.
18 You sent -- what did you send to him again?

01:20:04 19 A. It says can you call or text the commissioner and
20 get an update.

21 Q. Who is the commissioner?

22 A. This was the guy that Garcia was pretending to
23 be.

01:20:17 24 Q. Did you believe in the commissioner back in April
25 of 2015?

1 A. Yes.

2 Q. Did you ever discuss that with the defendant at
3 around this time?

4 A. No.

01:20:25 5 Q. Who is Balthazar?

6 A. He was an attorney.

7 Q. Representing who?

8 A. Me.

9 Q. In what capacity?

01:20:32 10 A. He represented us in the NOV and the LifeTree
11 case.

12 Q. And did Isaiah ever respond to these texts?

13 Let's go to the next page. What does he text
14 you?

01:21:01 15 A. He sent me the wire confirmation and the bank
16 just said the first wire for 15 went out.

17 Q. And what did you do with the picture Isaiah sent
18 you?

19 A. I sent that to Levon.

01:21:19 20 Q. Go back to 6-22.21 -- I mean 6-62.21, I
21 apologize. Next page.

22 Is that the same picture you received from
23 Isaiah on April 28th, 2015?

24 A. Yes, it is.

01:21:45 25 Q. When did you send it to Levon?

1 A. 29th of April.

2 Q. What was this 15 that went to SETAP for?

3 A. I don't know.

01:22:08

4 Q. Did the other funds get sent the 35, 10, and 15,
5 to Isanne while you were in Belize?

6 A. Not while I was there.

7 Q. How did you get back from Belize to the United
8 States?

9 A. We took the private plane back.

01:22:26

10 Q. Whose private plane?

11 A. Levon's.

12 Q. Who were you with?

13 A. I was with Levon, one of the bodyguards, and
14 Allen.

01:22:35

15 Q. Who is Allen?

16 A. Allen was a friend of Levon.

17 Q. And what happened when you -- where did you land?

18 A. We landed in an airport just outside of
19 San Diego.

01:22:48

20 Q. And what happened when you landed?

21 A. Um, the border agents seized our phones and
22 imaged them.

23 Q. And is that why all of these text messages are
24 now in the possession of the United States
01:23:00 25 government?

1 A. Yes.

2 Q. And shown at this trial?

3 A. Yes.

4 Q. Did you get your phone back from the border
01:23:08 5 agents?

6 A. Yes, I did.

7 Q. Did you continue to use it?

8 A. No.

9 Q. Why not?

01:23:13 10 A. I was told that there is --

11 Q. Who told you?

12 A. Levon told me there was probably software on
13 there to hack my phone.

14 Q. So what did you do with the phone?

01:23:25 15 A. I destroyed it.

16 Q. Did you get a new phone?

17 A. Yes.

18 Q. Did you continue to text with Levon Termendzhyan?

19 A. Yes.

01:23:36 20 Q. Throughout 2015?

21 A. Yes.

22 Q. '16?

23 A. Yes.

24 Q. '17?

01:23:42 25 A. Yes.

1 Q. '18?

2 A. Yes.

3 Q. Have you seen any of those text messages in
4 preparation for this trial, from '15, '16 or '17?

01:23:55

5 A. No.

6 Q. What happened to the phones that you used after
7 this seizure in April of '15 or imaging in April of
8 '15, what happened to the phones you used to
9 communicate with Levon Termendzhyan?

01:24:10

10 A. They were destroyed.

11 Q. Why?

12 A. Because I got new phones is what -- what I did is
13 I destroyed my old ones.

01:24:21

14 Q. What happened to the burner phones that you used
15 with Mr. Termendzhyan?

16 A. They were always destroyed.

17 Q. Why?

18 A. Because they were -- we were always afraid of
19 them being tracked.

01:24:43

20 Q. What happened in May of 2015, the next month
21 after you returned from Belize?

22 A. Um, we wired more money.

23 Q. Where?

24 A. To Turkey.

01:24:55

25 Q. Why?

1 A. Because we was instructed to.

2 Q. By who?

3 A. By Levon.

4 Q. Did you know who you were wiring the money to?

01:25:05 5 A. No.

6 Q. And what was your understanding of the purpose of
7 this money?

8 A. It was either for Levon's share or the boys.

9 Q. Did you also go to Turkey in May of 2015?

01:25:22 10 A. Yes, I did.

11 Q. For what purpose?

12 A. My son had gotten married in April, and Levon and
13 Baran offered a wedding party. And so I brought my
14 family, so my family, to Turkey for that celebration.

01:25:41 15 Q. Brought your whole family?

16 A. Not my whole family.

17 Q. How much, how many people in your family?

18 A. There was probably 14 or 15 of us.

01:26:04 19 Q. Did you wire money to Turkey before or after or
20 during you went to this trip to Turkey?

21 A. I don't remember the exact date.

22 Q. Do you remember how much got wired to Turkey
23 after this first 15,000,000 to SETAP in April, do you
24 remember how much more got wired to Turkey in 2015?

01:26:28 25 A. I remember \$35,000,000.00 went out.

1 Q. To what entity?

2 A. To the Isanne account.

3 Q. Is that the account that you discussed with
4 Isaiah while in Belize in April?

01:26:43

5 A. Yes.

6 Q. Any more than that 35,000,000?

7 A. I don't remember.

8 Q. And what happened -- who -- did Mr. Termendzhyan
9 travel to Turkey for this -- in this May 2015 trip?

01:26:59

10 A. Yes.

11 Q. Will you look at Government Exhibit 6-196. Do
12 you recognize it?

13 A. Yes.

14 Q. What is it?

01:27:17

15 A. My wife and I and my children and Levon.

16 Q. Where are you?

17 A. I was on a boat on the Bosphorus.

18 Q. In what city?

19 A. Istanbul.

01:27:27

20 Q. Whose boat?

21 A. I think it was a boat that was rented.

22 Q. By whom?

23 A. By Baran, I think.

24 Q. And who -- was there a wedding reception thrown
25 for your son?

01:27:48

1 A. Yes.

2 Q. And who paid for it?

3 A. I don't know. It was either Levon or Baran.

4 Q. You did not pay for it?

01:27:57 5 MR. GERAGOS: Objection, motion to strike
6 after I don't know.

7 THE COURT: Jury, if you could please just
8 disregard the answer after I don't know.

9 Q. (By Mr. Rolwing) Did you pay for it, sir?

01:28:07 10 A. No.

11 Q. Anyone in your family pay for it?

12 A. No.

13 Q. What did you do on this trip to Turkey with your
14 family?

01:28:21 15 A. We had the celebration on the Bosphorus and then
16 we spent about a week down in Bodrum at a hotel
17 resort.

18 Q. And who set up -- who made those reservations?

19 A. I don't know.

01:28:36 20 Q. Did you?

21 A. No.

22 Q. Did your wife?

23 A. No.

24 Q. How did you know to go to this hotel?

01:28:42 25 A. Baran sent us.

1 Q. Did you pay for your hotel rooms?

2 A. No.

3 Q. Do you remember which hotel it was?

4 A. I don't remember.

01:28:58 5 Q. Where did you go after this week in Bodrum?

6 A. We went back to Istanbul.

7 Q. And how long did you stay?

8 A. Um, probably for two days.

9 Q. Did your wife and kids stay that long with you?

01:29:17 10 A. No.

11 Q. Where did they go?

12 A. Some of them went home and some of them went to

13 Kuala Lumpur.

14 Q. Why did you stay?

01:29:25 15 A. I was asked to stay to talk about -- talk to

16 Levon and Baran.

17 Q. What did you discuss?

18 A. I signed some documents, I don't remember what

19 they were, and we talked about the project.

01:29:44 20 Q. When did you leave Turkey?

21 A. About two days later.

22 Q. Do you know the date?

23 A. I don't.

24 Q. Would it help to refresh your recollection if you

01:29:55 25 reviewed the summary of your travel?

1 A. Yes.

2 Q. Would you take a look at 6-100.3 and read it to
3 yourself.

4 A. This is May of '14?

01:30:28 5 Q. We're in May of '15, sir.

6 A. Oh, I'm sorry.

7 Q. Does reading that summary of your travel from
8 your American Express and passport refresh your
9 recollection of when you left Turkey?

01:30:54 10 A. Yes.

11 Q. Could you set it aside and tell the court when
12 you left Turkey?

13 A. June 1st.

14 Q. Did Levon leave with you?

01:31:06 15 A. No.

16 Q. How did you get back?

17 A. I went to Kuala Lumpur.

18 Q. Will you look at Government Exhibit 6-74. Do you
19 recognize this as an e-mail you sent on June 1st,

01:31:38 20 2015?

21 A. Yes.

22 Q. Who did you send it to?

23 A. Um, atillas@garanti.com.

24 Q. Where were you when you sent this?

01:31:50 25 A. I was in Turkey.

1 Q. With who?

2 A. With Levon and Baran.

3 Q. And why did you send this e-mail and to whom was
4 it sent? Who is Mr. Atillas?

01:32:03 5 A. This was a gentleman at the bank. This was a cut
6 and paste that Umut had given me.

7 Q. What does that mean?

8 A. Umut told me what to say to this person and she
9 told me that she was making the offers on these
01:32:22 10 companies and I cut and pasted what she said and put
11 it in an e-mail.

12 Q. Did you know this Mr. Atillas?

13 A. No.

14 Q. Did you know the Isanne S.a.r.l Garanti that you
01:32:36 15 were referring to here?

16 A. No.

17 Q. What did you cut and paste and write in this
18 e-mail to Mr. Atillas?

19 A. All of this.

01:32:46 20 Q. What is it describing?

21 A. Do you want me to read it?

22 Q. I want you to tell us what it -- what it is
23 referring to and describe it.

24 A. It is referring to money that was sent into this
01:33:00 25 account.

1 Q. Who sent that money?

2 A. I did.

3 Q. And what are you saying the purpose of this money
4 is in this e-mail?

01:33:09 5 A. For the purchase of the Mardin Place or Palace
6 Hotel and BioPharma.

7 Q. And was it for the purpose of purchasing the
8 Mardin Palace Hotel and BioPharma?

9 A. That's not why I sent the money, no.

01:33:24 10 Q. Was it for this purpose?

11 A. No.

12 Q. Why did you write this?

13 A. Because I was told to.

14 Q. What else did you say besides -- well it mentions
01:33:40 15 35,000,000. Did you have Washakie send 35,000,000?

16 A. Yes.

17 Q. It mentions 21,000,000. Did you have Washakie
18 send 21,000,000?

19 A. Yes.

01:33:48 20 Q. It mentions 134,000,000. Did you have Washakie
21 send 134,000,000?

22 A. No.

23 Q. What is that reference to?

24 A. I don't know.

01:33:58 25 Q. And it also mentions by the end of the year

1 investing up to 350,000,000 more. Where did that
2 figure come from?

3 A. I don't know.

4 Q. Why did you send this e-mail?

01:34:18 5 A. I was told to.

6 Q. Do you know if these funds that you sent to, as
7 you call it, Isanne were used to buy BioPharma?

8 A. I don't know.

9 Q. Did you ever discuss BioPharma with Levon
01:34:40 10 Termendzhyan after this?

11 A. Yes.

12 Q. What did you discuss?

13 A. That there was a pharmaceutical company that
14 Baran was looking at in buying. And later on I went
01:34:55 15 and toured the facility.

16 Q. With who?

17 A. With Baran and Levon, and Umut I think was there.

18 Q. And so was BioPharma purchased?

19 A. Yes.

01:35:10 20 Q. And did you discuss that with the defendant?

21 A. Yes.

22 Q. After you left Turkey on June 1st of 2015, where
23 did you go?

24 A. I went to Kuala Lumpur.

01:35:30 25 Q. And then where did you go?

1 A. I went home.

2 Q. Did you send any more money to anybody on the
3 defendant's behalf after this?

4 A. I don't remember what the -- I don't remember.

01:35:48 5 Q. Did you continue -- did you ever send more money
6 to SBK USA?

7 A. Yes.

8 Q. What do you remember about that?

9 A. I remember I was instructed to send -- I think it
01:36:04 10 was 10,000,000 to SBK USA

11 Q. Did you do it?

12 A. Yes.

13 Q. Later in 2015?

14 A. Yes.

01:36:18 15 Q. Would you look at Government Exhibit 2-2. Do you
16 see any reference to a -- do you know what this
17 document is?

18 A. Yes, I do.

19 Q. And if you look at page -- is it a summary of the
01:36:36 20 funds transferred between Washakie Renewable Energy
21 and SBK USA in California?

22 A. Yes.

23 Q. Would you look at Page 10. Is this a bank record
24 of Washakie Renewable Energy?

01:36:57 25 A. Yes.

1 Q. And Page 11, is there a reference to a
2 \$10,000,000.00 wire?

3 A. Yes.

4 Q. Is that -- is that the same 10,000,000 you just
5 testified about?

6 A. Yes.

7 Q. What is the date?

8 A. It is the 3rd of June.

9 Q. When did you get home from Turkey?

10 A. I don't remember how long I took in Kuala Lumpur.

11 Q. Was this just a few days after you left Turkey?

12 A. Yes.

13 Q. And who told you to send 10,000,000 to SBK USA?

14 A. Levon did.

15 Q. Let's go back to Page 1. Does this summary of
16 Washakie's bank records indicate more payments were
17 sent to SBK Holdings?

18 A. Yes.

19 Q. And money was received back?

20 A. Yes.

21 Q. Who -- who was involved in these transactions?

22 A. Levon was.

23 Q. What was the purpose of the 9,000,000 coming back
24 in December of '15?

25 A. I was told that --

1 Q. By whom? By whom?

2 A. Levon told me that this money was coming back and
3 it needed to go to my personal account in Turkey from
4 a Washakie account.

01:38:19

5 Q. And did you send the 9,000,000 to Turkey, your
6 personal account in Turkey, after you received it
7 from SBK USA?

8 A. Yes, I did.

01:38:54

9 Q. Can we pull up Government Exhibit 2-3? Next
10 page.

11 When did you leave Turkey, sir?

12 A. I left June 1st.

13 Q. Can you explain to the jury why \$200,000.00 was
14 sent by Washakie on June 11th to Turkey?

01:39:12

15 A. This was a text message that was sent to Doga
16 Dogan or it was instructing me to send 200,000 to
17 Doga Dogan.

18 Q. Who sent you the text?

19 A. Levon did.

01:39:25

20 Q. Did you have Isaiah send another \$200,000.00 to
21 Turkey?

22 A. Yes I did.

23 Q. Where were you in mid June 2015?

01:39:39

24 A. There again I don't remember when I returned from
25 Kuala Lumpur.

1 Q. Could you review 6-100.3 for June of 2015 and see
2 if it refreshes your recollection when you returned
3 from Kuala Lumpur.

4 Does it refresh your recollection, sir?

01:40:15

5 A. It doesn't have a reference as to when I returned
6 home for Kuala Lumpur.

7 Q. Okay. There is nothing there to help refresh
8 your memory?

9 A. No. I'm sorry.

01:40:26

10 Q. Okay.

11 THE COURT: Perhaps this would be a good time
12 for our lunch break. It is 12:30.

13 MR. ROLWING: Yes, Your Honor.

14 THE COURT: All right. Members of the jury,
15 we'll come back at 15 minutes after one.

01:40:35

16 THE CLERK: Please stand for the jury.

17 (Jury left the courtroom.)

18 (Recess at 12:28 p.m.)

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